

Governor's Upper Yellowstone River Task Force
Meeting Summary
April 8, 2003
Community Room, City/County Building
Meeting began at 7:15 p.m.

I. Introductions

Members Present:

John Bailey, Chair
Roy Aserlind

Andy Dana
Brant Oswald
Rod Siring

Bob Wiltshire
Jim Woodhull

Ed Schilling, County Commissioner
Laurence Siroky, DNRC Ex-Officio

Allan Steinle, Corps Ex-Officio
Stan Sternberg, MT DOT Ex-Officio
Joel Tohtz, FWP Ex-Officio

Others Present:

Liz Galli-Noble, Coordinator
Kelly Wade, Secretary
Jim Barrett
Jim Robinson
Scott Bosse

Karl Biastoch
Bill Moser
Tom Hallin
Andy Hansen
Bruce Maxwell

Steve Caldwell
Daryl Smith
Brad Shepard
George Jordan
Stan Todd

II. Prior Meeting Minutes

Bill Moser: I made a comment in the March 25 meeting minutes about one kilometer versus six kilometers that came out very unclear. What I'd like to have identified was that one kilometer was somewhere around the square-mile, one-kilometer radius. And six kilometers was unknown. That was pretty substantial. I think it would be somewhere around 10 square miles.

Liz Galli-Noble: Was that a misquote in the meeting minutes?

Bill Moser: I don't know that it I was misquoted, but it's very difficult to have random information and formulate concepts. So it just didn't come out in a very intelligent way.

Liz Galli-Noble: The correction can be located on page 8 of the March 25 minutes.

John Bailey: We need to reference it. Bill, I'm assuming a one-kilometer radius around the house, you're looking at approximately one-square-mile affect per house.

Bill Moser: Yes.

John Bailey: Okay, then we need to get that sentence reorganized.

Kelly Wade: Okay.

Bill Moser: I'm certain it's my fault that it's not clear.

John Bailey: That's fine.

Bob Wiltshire: I have a question that goes just to procedure—and it has nothing to do with this particular issue—but are we allowed to clarify statements, or do the minutes reflect what was actually said at the meeting? Otherwise, we're like Congress; you say something, and then you turn around and pull it out of the Congressional Record. This is not aimed at Bill Moser at all.

Bill Moser: I understand that.

Bob Wiltshire: The concept is valid, and so we need to make a decision concerning procedure.

John Bailey: I guess my comment would be that as these minutes are written up and edited, there are many calls made to clarify what somebody said. This is because it is often hard to hear on tape. We try to get as clear a record as possible. Now, earlier tonight, a Task Force member asked if they could add additional (clarification) information to the minutes, and I said that that had to be addressed in "new business" later tonight.

Bob Wiltshire: But isn't that what Bill Moser is asking to do, to add additional information?

John Bailey: No. It is all in this one sentence. It is simply reorganizing the sentence, to put the one-mile referencing the one-kilometer.

Bob Wiltshire: That's fine.

John Bailey: If he wants to add additional information in, I would agree with you; if it wasn't said, then we won't add it to the minutes.

Bill Moser: My intent is just to clarify it, if somebody reads it.

John Bailey: Right, because this one-square mile, you don't know if it is referencing the six- or the one-kilometer.

Bill Moser: Yes, it is referencing the one.

John Bailey: Right. I would assume that's a clarification, that's all.

Rod Siring moved to approve the March 25, 2003 minutes, with the change. Roy Aserlind seconded the motion. The motion passed unanimously.

III. Financial Updates

EXPENDED GRANTS			
Grant Name	Completed	Amount	Study Component
DNRC Watershed Planning Assistance Grant	6/30/99	2,100.00	Physical Features Inventory
DNRC HB223 Grant	7/30/99	10,000.00	Aerial photography
DNRC Riparian/Wetlands Educational Grant	6/30/00	960.99	<i>Hydrologic Response to the 1988 Fires Workshop</i>
DEQ 319 Grant (1 st)	9/30/00	40,000.00	Coordinator position
DNRC Watershed Planning Assistance Grant	1/31/01	10,000.00	Watershed Land Use Study
DEQ Start-Up Grant	6/26/01	49,138.00	Coordinator position, Admin secretary, additional cross-sections, operating expenses.
DNRC HB223	10/1/01	6,500.00	Riparian Trend Analysis
BLM Funding	10/26/01	10,000.00	Wildlife Study
DEQ 319 Grant (2 nd)	3/21/02	58,000.00	Coordinator position
DEQ 319 Grant (3 rd)	9/30/02	44,000.00	Coordinator position
EPA RGI Grant	12/20/02	30,000.00	Geomorphology study
CURRENT GRANTS			
Grant Name	Amount	Spent	Remaining Balance
DNRC RDGP Grant (expires 7/03)	299,940.00	288,621.63	11,318.37
DEQ 319 Grant (4 th) (expires 3/04)	122,200.00	44,201.19	77,998.81

IV. Task Force Recommendation Development

John Bailey: Last fall [2002], we talked about coming up with the formulation of recommendations; that is, once the research is in. We asked Liz to record all of the issues, comments, concerns, and recommendations that were expressed at our meetings and this handout before you is what we've come up with so far, all 37 pages. We have one more science presentation from the Geomorphology team on April 29th, and I'm sure this summary of comments will get almost twice as thick. How we are going to proceed after the April 29th meeting, I do not know? It will be the last presentation of science; then we have to take everything we've gotten up to that point and try to make recommendations.

When we first put this steps process together, we had only had one research presentation. And I think after that meeting, there were some minor changes made to the steps by Task Force members, that we, as a group, have never revisited. Is that correct, Liz?

Liz Galli-Noble: Yes that is correct, to the *Steps for Formal Action* [see Attachment A].

John Bailey: There were things added to it by individuals after that meeting that have never been before the Task Force since, that I'm aware of. We now need to go back and revisit this, change it any way we would like. We need a system for how we are going to process to our end, once the science is in.

Liz Galli-Noble: Just a little clarification. The *Steps for Formal Action on Task Force Recommendations* was discussed at a couple of the Task Force meetings last fall, and it was mostly Andy Dana that helped me try to pull together all the comments that had come out of those two Task Force meetings. In October 2002, we started into research presentations, and so we just tabled this, as is. It is quite thorough, so I would suggest that people take the time here for a minute to reread it. I did send this handout to the Task Force members with last month's minutes to prepare them for this discussion, so they have had a chance to look it over. For the audience, there are copies of what we're talking about on the table. It's called the *Steps for Formal Action on Task Force Recommendations*.

Brant Oswald: Liz, one thing I did not do is pull out the earlier drafts and see exactly what changes were made. Is that easy to do? Do you have an earlier draft in front of you, where you could tell us what the additions were?

Liz Galli-Noble: No, I don't have that. Those changes were made quite a while ago. I could give you copies of earlier versions tomorrow, but I did not bring them here tonight. Andy may be able to help me remember some of the changes.

Andy Dana: That was quite a while ago.

Liz Galli-Noble: As I recall, it's been changed pretty substantially. A lot of additional things were added.

Andy Dana: I'll just say that I was trying to work through this and develop a system. I'm not necessarily wedded to this at all. One way to tackle developing recommendations would be to take three or four of the Topics of Consideration that we have, I think there are 12 of them, and set those three or four topics aside for one meeting. We could have a general discussion based on the one-inch-thick comments that were made through all the research presentations and anything else anyone wants to bring up during that meeting for the three or four topics. Maybe we could not do them all together, just do them one after another. Then we could have a discussion, and when people feel like they are ready to make a recommendation (from the Task Force), you'd drop down to the formal step. It really would be sort of a formal process in Number 2, as opposed to a roundtable discussion in Number 1 when a recommendation is proposed. The Chair then goes into Number 2 and restates the recommendation to see if there is consensus. If there isn't, then we go back to Number 1, where we table it completely or dispense with it; that would be the outcome of that meeting. And then finally, at the end (maybe the last two Task Force meetings), we revisit those recommendations provisionally, and make sure that they all fit together into a package that we can send to the Governor. Then we'd go to Number 3 in the last one or two Task Force meetings to try to make sure that it's an integrated presentation, or integrated set of recommendations. That was the rationale behind the three-step process; and again, it's up for grabs.

Roy Aserlind: I'd like to ask for a point of clarification. We're going to make recommendations; now to whom will these recommendations go, the Governor? And then, what will the Governor do with them? Will the Governor tell DEQ what to do, or DNRC what to do, or be in communication with the Corps?

Bob Wiltshire: All of the above.

Roy Aserlind: All of the above? Will this happen? I don't know if the Governor is in any position to look at a recommendation and make any judgment whether to pass it on, or to whom. I'm just curious to know where these recommendations will end up, and who will have the power—the clout, maybe the guts—to act upon them.

John Bailey: Number V on the tonight's agenda talks about this somewhat.

Roy Aserlind: Okay.

John Bailey: Liz and I went to Helena and talked with the Governor's office about some of these specifics. A little different realm than you're talking about; but sort of: how do we, as a Task Force, make sure that once we're done, that we get information out? Because to me, the worst thing is if we just sort of end, and all this data doesn't actually get out; if we don't make presentations to people, to the public. One of the things that Todd O'Hair, representing the Governor, suggested was for us to have a Governor's Conference on what we've done. A two- or three-day event, with breakout sessions and the like. I thought that was a very positive idea. We're going to have another meeting with the Governor and the Congressional District on May 15th, to figure out how we can get more interest. It is one of my greatest concerns. I think, ultimately, if we count on the government to do it, then we've failed. I think we have to count on ourselves to make sure the government reacts, because the government really listens to people, most of the time.

Rod Siring: I have a question to ask. I've wondered for quite some time how this all fits with the Corps of Engineers having the say on what's happening on the rivers. We've been at this for some time now—getting these recommendations to present to somebody—and I keep wondering, if the Corps is going to still be the "Chief of the Rivers," are they going to accept what we've done carte blanche, or are we going to have to sit down and negotiate with them?

John Bailey: If we make recommendations and we tie it to the science—depending on what the recommendations are—and then they start issuing permits that are out in left field, I would think any of us could go to Helena or the Corps in Omaha, and say, "What are you doing?" My impression is that they'd be listening. I just don't have the sense anymore, with all the contact we've had with the Corps, that they're not going to listen. But, for that to happen, we have to take all of this and tie it to the science. If we don't tie it to the science, I think they have a free hand. We've done a lot of science. And I think some of our recommendations will be: if you want to make certain kinds of decisions, you need further information because we have only scratched the surface. To really do that, and make a valid decision, you need to go look at this. It may not give you the answer; but you never know until you've done something, if you get the answer. I don't see anything wrong with that kind of recommendation.

Laurence Siroky: John, I guess the other aspect is that the Corps isn't the only one that issues permits to individuals wanting to do something on the river. Depending on what you do, you need a 310 Permit from the conservation district, and a County Floodplain Permit. Then again, not all three are required depending on what you do.

Rod Siring: It seems fairly clear that you can do things that are really within the realm of the State. I've always had doubt in my mind, or wondered about, what happens when they get up on the Federal land?

John Bailey: That's why one of other things we asked at the Governor's office was that we'd like to go to Omaha and talk to the Corps. Exactly. They said, "Why don't we bring them to Montana?" I don't know how that will all work out. They also suggested maybe going to Washington, DC.

Laurence Siroky: And I guess another aspect is that people might come in with a little smarter application, too. This information just isn't for agencies that issue permits, it's for people that live here and work here, so they come in with a little smarter application.

Allan Steinle: The Corps has invested a lot of time, and effort, and money, and manpower in this process. We're doing so with the hope that we're going to get something out of it. And I think it is fair to say that we'd like to build our SAMP around the recommendations that the Task Force presents. John is right, if they are scientifically based (they are supported by the studies and they have the support of the Task Force), I think we'd be hard pressed not to use them. Of course, we have to wait and see, just like everybody else (the Governor's office and whoever else); we have to wait and see what the Task Force comes up with. But we're very hopeful to get some good community support and scientifically-based recommendations out of this group that we can use in building the SAMP. I'd also like to second what Laurence said. We're not in charge of what goes on out there, any more than the landowners are, or the conservation district. Everybody has a piece in this, everybody has a say in what happens, and I don't think the Corps has any kind of preeminent position out there. We certainly play a part; and we hope, through this process, to work with everybody else that plays a part in deciding what goes on, on the river.

Roy Aserlind: Could I address this question to Allan, then? Does the Corps have any expectations on how precise they want our recommendations to be? I'm talking, let's say in terms of linear feet of riprapping, or number of barbs within a certain area. Do they have any expectations as to precision?

Allan Steinle: I would say not right now, Roy, no.

John Bailey: Excuse me, Roy, do you think we can do any better than macro? With regard to our recommendations, do you think we can go micro?

Roy Aserlind: No, I don't.

John Bailey: No, I don't either. The science that we've done isn't micro. I think we might make recommendations on specific things that, if you really want to do this with any scientific basis, you need to go get X, which might be micro. But I'm not sure that consensus lets you go to micro either.

Andy Dana: I'm not willing to rule that out. We might have some things.

John Bailey: But if you're talking about how many barbs per linear foot, I would just assume there's a landowner somewhere that's going to say, "Wait a minute. Why are we going to preclude something that may be needed? The river is changing." So, I see us making macro kind of recommendations. I feel much better because I think we've learned that we have these reaches of the river, where the river is very different.

Roy Aserlind: Exactly.

John Bailey: So we can start making recommendations by reach. I think we could get that kind of consensus. Now we're starting to talk about the river, not as a whole, but in pieces. And when you look at a specific kind of reach, there are these kinds of issues.

Roy Aserlind: Now we're getting smart.

John Bailey: Now, maybe in the entrenched reach, we'll say that we don't need any riprap; maybe we can get that passed; I don't know? But I think if you'd ever said that when the Task Force first got started—that there might be reaches where we'd say that—people would have walked out. But I think as the science has come in, maybe that's a possibility; I don't know; maybe it's not material? As we've seen the data, it's all different in the reaches. But to do that, we have to take and digest all this.

Bob Wiltshire: I think one other thing we have to be well aware of is that anybody at anytime also has the option of filing lawsuits, which can change the whole equation on all of us. I think it's incumbent on us to make the best decisions we can, and to try to institute agenda item V on here, that there's some post-Task

Force follow-up to try to keep attention on those recommendations; and that's the best we can do. If the Governor, or the Corps, or the Courts, or whoever, chose not to follow what we do, all we can do is highlight the fact that we did our best job and they're not following it.

Roy Aserlind: Is it within our purview to ask questions of the TAC, questions we may have among ourselves?

John Bailey: Oh definitely. Our only problem is time. There's not a lot of time between now and August.

Roy Aserlind: That's true.

John Bailey: Please remember one thing, and we pointed this out to Todd O'Hair, that when the Congressional Delegation started moving money through the Corps to the Task Force, this project got much bigger. If you remember, prior to that, we were bank-to-bank, and now we're the whole thing. And they required the Corps to do a SAMP. If you remember that with the first RDGP Grant, we spent a lot of time talking about how the modeling was going to be done. Well, I hate to tell you, we're going to make final recommendations before the modeling is done. It's going to happen primarily after the Task Force ends in August; some may happen before, and lot's of research data has been presented to us, but I think to get everything together, it's going to be past the Task Force time.

Scott Bosse: I'd like to make a formal request that the Task Force issue a recommendation prior to it's last meeting, and that is to clarify the scoping process in the SAMP. I had a phone conversation with Mike Gilbert the other day that concerned me.

John Bailey: Can you save that until later in the meeting?

Scott Bosse: Sure, I can save it.

John Bailey: Please, we're trying to address our steps for making recommendations, right now. I have no problem with what you're trying to request, but it's a little out of sync. We need to stay on task and follow our agenda. Other issues need to wait; and it may not even be tonight, I'm not quite sure. I'm not trying to stop you, and if you want to present it tonight, you certainly can, that's fine.

Scott Bosse: Will you please let me know at the right time?

John Bailey: We're trying to come up with the steps for recommendations tonight; and we may not do anymore tonight.

Andy Dana: If I could suggest, Scott, maybe you can put it into writing and get it to Liz, and that will get it put in our packet.

John Bailey: We've got to figure out how we're going to take [accept] recommendations: public and Task Force.

Scott Bosse: The only reason I brought it up is because it is time sensitive. I will submit it in writing to Liz.

John Bailey: And we may get there tonight. I don't know where we're going to get with this process on developing recommendations.

Rod Siring: I'd like to voice one more thing. It always seemed to me in my work life, that there's a free hand between the Bureau and the people that I had to work with, that there was no specific recommendations or whatever we wanted to do. It seems also to me that that hurt the farmers and agriculture. If they want to put in a barb, or if they want to put in riprap along the river, it seemed to me that there should be somebody somewhere that knows what should be done. If you each go out and hire an engineer to say, "Well it worked well before"; it seems to me that someone should be able to give consistent advice. I guess I'd like to see this thing go as smoothly as we can make it. I have these unanswered questions I wanted to ask.

John Bailey: I've spent many hours with many different people on the Yellowstone—from the Governor, to Assistant Secretaries, to the Corps, and everybody else—and I have asked them specific things, such as: why they've done what they've done. There's a timeline when you're dealing with the Omaha people. Early on, they said, "Well, we use an average of the Omaha District." I think if you asked them now, they'd have a very different perspective because they've been on the Yellowstone. They say now that, "Most other rivers have sand bottoms. Our rules really don't apply to this river." We've heard that many, many times. I think we've been very successful because we've exposed them to the river. They are starting to understand the magnitude of the Yellowstone. If people don't know what you're talking about, they're removed when they make decisions. And Allan Steinle, I have no idea how many hours he has spent on the Yellowstone. At one time, he thought he needed an office in Livingston, he was down here so much. We never had that before, that I'm aware of, with the Corps. I don't know if they ever came to look prior to projects much. Did anyone ever come to your place, Andy?

Andy Dana: Not before 1996.

John Bailey: Right, so there's a whole new world, that's my sense.

Andy Dana: That's not true; there were a couple of exceptions. Personally, I think it's unrealistic to think there's going to be a silver bullet, and we can go to somebody and say, "This is what you have to do, or this is what you need to do." What I've learned from this whole process is that we've got an incredibly complex river that's incredibly complex on a micro and a macro scale. And there's not going to be a "right answer". There are going to be a myriad of answers that may serve some goals but not others.

John Bailey: Well, we have to figure out how we're going to do this recommendation thing. We haven't figured that process out. As the Chair, if you accept it as is right now, I don't know how to deal with it.

Brant Oswald: One of the things that I came into this meeting thinking about and I voiced it at one meeting—I can remember injecting a fair amount of confusion into one discussion with Andy—was how the timeline would work with each set of recommendations, and whether we would have time to deal with our individual constituencies. And frankly, most of those concerns I see dispelled by the several places [in the Steps for Action] where we can either defer action on something, in order to give Task Force members a chance to talk to our constituencies. And we do have a final meeting; again, where we won't be able to introduce new recommendations, but we can certainly still rehash some of the things that we talked about up to that point. The only thing that I think might be worth, although I'm not sure it needs to be made explicit, in Step 1 of the procedure was the comment that Andy just made, which I think gets back to the comment that you just made: How do you deal with all of those sets of comments that we're now going to consider for recommendations? The one final thing that I think made sense that Andy said at the beginning was, the text just says that we'll convene meetings to consider proposed recommendations. I think if we have some sort of timeline where we can tell the public and tell the rest of our constituencies that these are the topics we're going to discuss at this meeting, then certainly I think it gives us some sort of schedule and a way that, if we know certain issues are going to come up, that will allow Task Force members to discuss them with their constituencies. Again, I don't know if that needs to be made explicit in these steps. But I think as long as that's the procedure we follow, then I think we can attack some subset of all of those comments at a specific meeting. I think that will bring us all closer to a place to start.

John Bailey: So are we going to take bank stabilization; it's ten pages long?

Andy Dana: Yes, but some of it is probably overlapping, and we can winnow it down.

John Bailey: My question is, how are we going to do that winnowing down?

Andy Dana: We have general discussion, and then somebody says, "I want to make a recommendation on bank stabilization." I expect that people will read the ten pages on bank stabilization before coming to the meeting, and have some idea of where it is going to go, and float some ideas for general discussion. I think we are going to have to have time limits on conversations, especially if we do two or three, or three or four topics a night.

Liz Galli-Noble: I would like to interject, that as I was summarizing comments from the last couple meetings, I have included a great deal of detail; perhaps too much detail. John actually cautioned me at the beginning that I wasn't including enough of the comments, so I think I've gone a little overboard for the more recent meetings; I wanted to be safe. For example, even when people were asking a question, I included it, because it was really addressing a major concept. So I think you're right, Andy, that the list can be pared down. There are some big concepts that might be an entire page of comments; but it's just one concept that may result in just one or two recommendations. I think if you look at the list, you'll see that there's a lot of repetition.

Bob Wiltshire: The other thing I think we've got to look at, is that we can't just go through these points and make these points for discussion and then recommendation. There are eight pages of comments on fisheries. Well, doesn't that tie back to bank stabilization, and tie back to many of these other things? And to just say we're going to have a meeting and talk about fisheries; we can all make a recommendation tonight that we think fisheries should be as good as they can be.

Andy Dana: So what's the point? That we're going to have interlocking recommendations, or redundant recommendations?

Bob Wiltshire: No, I think we might need to revisit what our Topics of Consideration are before we schedule our meetings. Because I don't think we ever set this up to have these be our talking points at the end, did we?

Andy Dana: I thought that the 13 Topics of Consideration were the areas in which the Task Force identified as the ones that we wanted to consider making recommendations about.

Liz Galli-Noble: But they were to be "fluid." If you look at the very end of the list, I had to add several additional topics (under "Other"), because they did not fit under established topics. This process was somewhat subjective for me, where I had to decide what topic seemed most appropriate for the comment made. But you're exactly right, Bob, there were many times where I said, "They're talking about homes, but the homes may need to be protected, so does that go under stabilization?" But the entire discussion took place during the Fish Habitat presentation. So there definitely is overlap between topics, and some of those comments may be more appropriate discussed under different topics.

Andy Dana: In my view, what you compiled, Liz, are essentially notes for a research paper. And what we need to do is develop an outline for that research paper. To do that, we develop topics in your outline. Topics of Consideration were a starting point for that, and then you see how your research, your notes, fit into the overall structure, or the recommendations. And then you start to winnow those out and tie them together and move some of the recommendations to other parts of the paper. It's just a question of what's the procedure to take this mass of information and funnel it down into a useable product. It might be the Topics of Considerations are not great, but they are a starting point for that sort of an outline.

Bob Wiltshire: To me, those were things that we wanted to consider as we looked toward making our recommendations. I think we need a separate "Potential Areas of Recommendations". I don't know if those are the right words. Many of them will overlap. Obviously, bank stabilization doesn't change, but GIS information, what kind of recommendations would we make on that?

Andy Dana: I have no idea.

Bob Wiltshire: Yet, on the other hand, we wanted to consider that as we looked at it. Now, roads and crossings might very well be something we want to make recommendations on.

Andy Dana: I don't disagree. My concern, though, is that if we start to redefine the topics, we're going to be here for three meetings.

Bob Wiltshire: Yeah, and I don't disagree with that. Which brings up my big concern, which is, I don't see how we can get done on time.

Jim Robinson: Maybe if people do a lot of work at home.

Bob Wiltshire: Make sure that's in the minutes.

Brant Oswald: I think Jim's comment is scary and funny at the same time; but I think that's exactly what is going to have to happen. The one thing that won't work is for each of us to come to these Task Force meetings without doing any work in between them. I think we can look through the sheets of comments that we've made, and I think Bob's right, we won't have time in the next few months to be able to come up with all the recommendations. The one thing I think would also be useful—I have met with my constituency in the last week or two—and I think one of the things that is going to be important, is to try to get as much feedback as possible. I've met with representatives of the Park County Environmental Council and GYC, to see what they're thinking. They've been sitting through these meetings too, so all of us, hopefully, are at least thinking toward the end, and thinking about what sort of recommendations we can come up with. One thing that might prove very useful—and what I've asked the folks in those organizations to do—is to draft some tentative recommendations of their own. One thing that might be useful for us is not to get bogged down too much in general discussion of these topics, but actually try to get some informal recommendations on the table early on. If we can at least draft some tentative recommendations in the first few meetings, I think we'll at least see where the discussion is going to go. Just looking at bullet points from those comments, I think we could easily spend half a dozen meetings that would go way too long without really getting anywhere. I think it would be helpful if some of us have draft recommendations swimming around in our heads right now. I think getting some of those on paper and getting those in front of the rest of the Task Force early on would be useful.

Rod Siring: Would a committee system work in something like this? A committee system, where we get a three- or four-person committee, and they take a certain topic and shrink that down to bring before the whole group, and work our way through them that way. First vote would be for consideration, second vote would be for passing, and third vote is going to be for change, if you have any.

John Bailey: It's one way. In my mind, and I've certainly thought about it, that if we have to get consensus at the end, if you haven't heard the discussion, you might not buy in. That's been a concern I've had, which has always made me think that this part is going to be cumbersome; because we are going to have to deal with a lot of stuff. If you've got something [an issue], and you're not on that committee, and it comes out in a way that you just don't understand, would there be buy in?

Rod Siring: That's what the first meeting would address.

John Bailey: I still wonder if we don't have to go through a lot of these points. Because some of these came out very early, and we've had other research come in since then. We need some process to move back down through the list, and see how studies have dovetailed and brought things together, and somewhat synthesize this thing down. But if you don't want to do that, that's fine. We have had no discussion about what each one of us has learned as all this science has rolled in, because they start to tie together.

Andy Dana: We've had so much science, and so many presentations, I don't think we can have a general discussion to integrate it. I think we'd better take off bits and pieces, develop recommendations on those bits and pieces, and then take a look at where we are. And then come back and try to synthesize it, get rid of redundant recommendations, and look at what we've come up with. I don't expect more than 15 or 20 recommendations overall. In the best of all possible worlds, John, I agree, it would be great to try and sit down among a committee of the whole, and try to put all the pieces together; but I can't get my mind around it that way.

Roy Aserlind: This may sound ridiculous, but I'm at least going to throw it out. The one constant that we come across in the river is change. And the one constant, or series of constants, are the reaches: the anabranching, the entrenched, the pool-riffle. I would like to see the TAC get together, and you know how Duncan can draw lines, I'd like to see him take each reach (whether it be entrenched or the others) and then draw the lines as to riparian, as to the land use, fisheries, wildlife, birds, and what effect on that one reach are these going to have, and growth, and settlements. We know a number of different studies have come in, so I would just like to see, in each one of these significant areas, what their effect on that particular type of reach is, and at least see a schema. And then, from that, perhaps, try to draw recommendations. And I too am one

that's very much in favor of having things written, try having different Task Force members make their own recommendations, bring them together, do a nominal group process or something. That would fall in Liz's lap.

John Bailey: So, are you, for our first May meeting, going to have a written thing about this, that you just proposed?

Roy Aserlind: Just now? I can, yes.

John Bailey: Thank you.

Roy Aserlind: I will.

John Bailey: We have to get certain things moving that will then start things going, and this comments summary packet, I think everyone is looking at it and it's overwhelming. I think we all have to actually go back through it ourselves, to start seeing what some of the ideas are. The reason we wrote all the comments/concerns down, and everybody wanted them written down, was so we could go back and review what was said at the meetings, whether we're going to go any further with it or not. My concern here with the steps to make recommendations is when I look at 1a, we're going to come to our first meeting and I don't see a structure to lead that meeting.

Bob Wiltshire: I'm not even sure that I'm advocating this, but I'm going to articulate it: one option would be at our first meeting—we've all read, we all come in prepared—we spend a brainstorming meeting throwing out draft recommendations. Maybe not a whole meeting, but I think that if we all did that, we would find some logical groupings to those draft recommendations. It might give us the framework, then, to really proceed into this stuff. Not that any of those draft recommendations would be binding per se. That's one possibility.

Laurence Siroky: I like that approach, because everybody's got a little different perspective or educational background or permit requirement or something like that. So, we'd have recommendations coming from various views.

Bob Wiltshire: The other thing I see, if we do something like that, is it starts to point out what we might need to ask the TAC for. I don't know, and I'm certainly not married to that approach at all.

John Bailey: It's an approach, though.

Bob Wiltshire: It's an approach, yes.

John Bailey: My concern is getting from this to things on the table, which we're actually trying to then build a case for or against.

Bob Wiltshire: And really discuss, yeah.

Allan Steinle: At some point, someone is going to have to advance some strawmen, someone without any pride. Let people pick at it; that's how you make progress. We need some initial ideas, and we can take off from there. I think we need to ask the TAC to get involved as early as possible here, as far as looking at the wealth of information that's come in, and maybe asking them to identify some trends that they see in these studies, or maybe an approach to breaking the river down. Kind of a way to see the big picture, and at the same time be able to look at its components and make recommendations. I don't know exactly how to define the job that we should give them. But it seems like we should be asking for their input here, sooner rather than later, as far as what pops out from these studies, and as far as their analysis would indicate.

John Bailey: Our last meeting with research is April 29th. If we keep on our two-meetings-per-month schedule, we'll have six meetings through July, giving us August to then try to finalize things. We can meet once a week, if we have to.

Allan Steinle: If we give the TAC a job, they don't have much time to do it, in order to provide any kind of timely input back to the group.

Bill Moser: This topics bundle is about a ¼-inch thick now, and it appears that none of these issues, comments, concerns, or recommendations were made prior to September of 2002. And I find that somewhat strange, that there isn't information going back a little further.

John Bailey: Bill, if you remember, we've always said we were going to let science lead us. We didn't have any science until September of 2002.

Bill Moser: Okay.

John Bailey: We talked a great deal over the years, it's in the minutes, but these are comments made after hearing the science. I understand where you're coming from. We all have had issues, and we have to take those issues then to the science. That's why all of the comments come after that September date. These were comments from the scientific studies and nothing else. We certainly can bring other things in. I want to get back to the *Steps for Formal Action on Task Force Recommendations*.

Bob Wiltshire: What I see is that we have two issues we're talking about. One is the steps to make recommendations; the other one is, how do we get to Step 1? Is that a fair summary of where we're at here tonight?

John Bailey: Or, how do we get to the first meeting?

Bob Wiltshire: Yes. And you're saying let's go back to the mechanics of Steps 1 through 3 here.

John Bailey: Yes.

Bob Wiltshire: I have some things on the mechanics, and I haven't heard anybody else offer up anything. Mine are at the very end, so I thought maybe there was something earlier in the mechanics, if I may.

John Bailey: Have at it.

Bob Wiltshire: A couple of things that I made note of concerns *Possible Outcomes for Proposed Recommendations*. One is *Stand Aside*. My question here is, if one or more members of the Task Force choose to stand aside on a recommendation, will those stand asides be noted in our report to the Governor?

Liz Galli-Noble: That's a good question. We never got that far. This was just a template.

Bob Wiltshire: If we're going to approve this stuff, though, we've got to have answers.

Liz Galli-Noble: Absolutely.

John Bailey: Are you saying that we would have to note that there were stand asides, or the reasons they stood aside? I'm not sure what you're saying.

Bob Wiltshire: I'm not sure; I'm just asking. Is it that if you stand aside that's the end of it, the recommendation goes forward to the Governor, the same as a full consensus decision?

John Bailey: That's my understanding. If you stand aside, you have not blocked consensus.

Brant Oswald: I had assumed that the last sentence in that paragraph, the word "details" would be some footnote that Task Force members did stand aside.

Bob Wiltshire: But if you notice Number 1 [of the footnote], right above, has that exact same language, and so that made me think it was just the details of the recommendation. I'm just looking for clarification.

John Bailey: I thought we talked about that.

Liz Galli-Noble: It has been discussed. The idea of Minority Reports was brought up previously. I remember someone asking that if someone had a very minor objection, not even a full objection, but just a different interpretation, and they wouldn't block consensus because they thought that the overall idea was fine, did they need to state their ideas in a Minority Report? None of that was put in here.

John Bailey: Yes, thank you, that was my recollection as well. That concept of a Minority Report, vis-à-vis a stand-alone. Scott, you have a comment?

Scott Bosse: Yes, I was going to ask if the Task Force would agree to, for every formal recommendation, to simply print the record of the vote, and whether it was vetoed or blocked by somebody, when the recommendations do go to the Governor.

Andy Dana: The only thing the Governor is going to see are the recommendations. She's not going to see the deliberations. That's the consensus process, that you come up with a consensus and if there's a block, the issue is dead. Only consensus decisions are in the final report; objections will be reflected in the minutes.

Scott Bosse: That's actually what I was asking for, in fact, a Minority Report. For each recommendation that goes to the Governor, to state whether the Task Force by overwhelming majority voted for something and one person vetoed it.

John Bailey: But Scott, with consensus there's no vote. Now the Task Force, through our deliberations all the way, we have made motions. But we have done that simply for clarity in the minutes; but that is wrong for the consensus process. We basically ask, "Is everybody okay," and if no one says "No", the Chair can say we have consensus. That is the consensus way. A true motion and a second, is not consensus, far from it. We've used it all the way to this point, and we have documented in our minutes where we said we were going to do that. I'm not so sure that in the end we will continue to do so. If you look at your Ground Rules, in consensus, actually if you want to be against something, one of us has to put it in writing. "Participants who disagree with the proposal are responsible for offering a constructive alternative that seeks to accommodate the interests of all other participants." So, if you look at the process, it's trying to move with a mass, and take it down, take it down. And, if you go back in our minutes, we said we could make recommendations, and then at the final meeting (which could be more than one meeting), then it all ties together, and then something that was agreed on earlier as a unique thing, may get thrown out in the sum total. In other words, until we get to the final meeting, nothing's final. Because as we make a recommendation on this thing, we may find later, when we're dealing with other issues, there's a problem. But in essence, a person can't just say, "I don't like it." They are going to have to give a basis for their objection, and then try to work through it. How we sort one of those out, we'll have to see. Hopefully, our discussion process will help us avoid getting into those areas. That's the way consensus is supposed to work, and we've not done it. I assume at the end, we will be doing more of that than what we've been doing.

Andy Dana: I think we have to, according to the Governor's Order. There's a consensus process, and that's why I understand the interest in a minority report, but I don't think in our final report to the Governor we can go there. Our minutes can reflect the discussion, but the recommendations we send to the Governor are supposed to be agreed to by the body as a whole. That's the consensus process, and that actually reminds me that Liz did the first draft of this based on lots of research into what consensus means, and there's a lot of that behind this document. Not that we have to stick to it, but that's the background.

Liz Galli-Noble: Well, thank you for reminding me. I'll tell you how those three footnote options came to be. I don't know if you remember when I did that half-hour presentation on consensus, but I referenced a watershed group in the presentation and they used this footnote language to articulate to everybody how they could reach consensus. They could say "1. Yep, I'm for that recommendation". They could say, "2. I'm not 100 percent comfortable, but I understand what everyone around me has said, so I'm going to stand aside. I might not love it, but I can live with it." I think John has said that several times; you might not like it, but can you live with it. So you stand aside. It doesn't necessarily mean that it has to be written down or anything, this is just sort of internally what you're going through. Then the last one, 3, is to say, "I can't live with that." And then, if you remember, if consensus could not be reached, there were some options. One of them was, if you have the

time, to appoint a subcommittee of very interested parties, let them hash through it; and then present it again to the whole. That was the way those three options were supposed to work.

Bob Wiltshire: Then, to bring this back to where I started this at, shouldn't we then eliminate Number 2 of the footnote?

Brant Oswald: Maybe I could interject. I agree, Bob, I think we've come back to this point. It seems to me that 1 and 3 are fairly clear-cut. If we reach consensus, it becomes a recommendation, it goes to the Governor. If it's totally blocked, we don't reach consensus, it never becomes a recommendation, it doesn't go into the report to the Governor. I think maybe getting back to Scott's concern that, if we have consensus but there are stand asides in the group, it seems to me that that would be a better report to the Governor, to let her know that consensus was reached, but that there were members that were uncomfortable with it. I don't see any reason that we can't, in that event.

John Bailey: Is the stand aside uncomfortable with it?

Andy Dana: It might just be "I don't care."

John Bailey: I mean uncomfortable implies that they don't like it. That word has a negative connotation to me. A stand aside, I'm not sure is a negative. They may not understand it.

Brant Oswald: The way I understand that, the reason you'd stand aside would be because of something negative.

John Bailey: I could see specific landowners standing aside on something because they just don't like it, because it may affect them economically or something; but in the grand scheme, they understand it for the river.

Brant Oswald: Okay.

John Bailey: We don't know what our recommendations are, so we don't know where we're going there.

Bob Wiltshire: What I would say is, I think a stand aside is a wonderful thing for internalizing what our process is here, but in terms of a formal action of the Task Force, I don't think that that should ever be noted. We either have consensus, or we don't. If we have consensus, we have it. It doesn't matter what individuals' reasons were for agreeing; they agreed. Otherwise, we don't have a consensus.

Andy Dana: No, I don't think that is true. You can just say, "I choose not to vote on this," I choose not to weigh in.

Bob Wiltshire: That's fine, but then we have consensus.

Andy Dana: True.

Bob Wiltshire: It doesn't matter whether you are begrudgingly not, or apathetically not.

Andy Dana: John goes around and says, "Allan, how do you vote? Stan, how do you vote?" And you get to Brant, and he just keeps his mouth shut.

John Bailey: But, I'm not supposed to go around and ask. What we've done in the past is not the correct way to do consensus.

Bob Wiltshire: But the bottom line is, either we have consensus or we don't.

Andy Dana: But this gives people an option, it explains how they can view topics that they don't care about.

John Bailey: It's not part of our formal process.

Andy Dana: No, it's just a possible outcome. It's a framework for working through this.

Bob Wiltshire: Okay, but everything else on here is a formal step.

John Bailey: Down to 3c.

Andy Dana: That's not noted as a separate number, it's just a footnote, essentially, a possible outcome.

Liz Galli-Noble: It was simply a footnote.

Bob Wiltshire: Accepting it as a footnote, I don't have a problem with. As I think through this, I am not comfortable with stand aside reports (minority reports), noting stand asides to the Governor. We either have consensus or we don't.

Andy Dana: I agree.

Jim Barrett: I just want to agree with that. It seems to me that if I were the Governor, and this body were to give me your recommendations, I'd like to then take those recommendations to the various agencies, without having to then take up the recommendations and say, "Wait a minute, why didn't so-and-so?" Then the Governor has to deliberate on whether or not that's a good recommendation or not, based on political issues or whatever.

Allan Steinle: It seems like we can have it both ways. I don't know if this discussion is necessary. We can present the recommendations by themselves, without noting who was in support and who wasn't to the Governor, or who abstained. And if they are interested in details, all they have to do is ask for the minutes. And they can have those details, and anybody else could as well. We have both means of conveying information.

Liz Galli-Noble: So, should we just delete that footnote?

John Bailey: Well, I think that if we run into problems, we go back to our Ground Rules. So I would like, 3a to read "at its final meeting process," versus just "meeting," which implies it's all accomplished at one meeting, when in fact it may take several meetings.

Bob Wiltshire: That's fine with me, John. I see what you're saying.

John Bailey: We're going to start a process, and once we start it, we're not going back. We've got the recommendations, and we're dealing with those, and then trying to come up with the finals and such.

Liz Galli-Noble: So, then it should be instead of "at", it should be "during this final meeting process the Task Force anticipates..."

John Bailey: Right. That would be better.

Bob Wiltshire: This then is where I wanted to bring out another point. We are the Governor's Task Force, and our charge is to make recommendations to the Governor. I would think that it's within the realm of possibility that we might choose to make recommendations to others, besides the Governor. Am I out of line there?

Liz Galli-Noble: You certainly aren't, because that specific point was discussed when we edited the *2002 Annual Report* [page 5 last paragraph]. The report states,

"The goal of the Task Force is to make river management recommendations to Governor Martz by August 21, 2003. We will also present these recommendations to other entities such as, conservation districts, the Corps, DNRC, and DEQ."

And that was voted on, and consensus was reached. You can change your mind now, but you have already voted on that point.

Bob Wiltshire: And I'm not making any recommendations at this point, but we have language in here that deals just with the Governor.

John Bailey: Everything goes through the Governor, that's our charge.

Bob Wiltshire: But there's nothing to preclude us from commenting to others.

John Bailey: No.

Bob Wiltshire: Does everything have to go to the Governor?

John Bailey: Why not go to the Governor? It has more weight.

Bob Wiltshire: What if we want to make a recommendation to the Livingston School District that they don't build any more schools in the flood plain...

John Bailey: We've got to get consensus.

Bob Wiltshire: Maybe so, but I'm just using that as an example. Do we have to send that to the Governor before we send it to the Livingston School District?

John Bailey: We should then make a recommendation that we shouldn't build anything in the flood plain, right? And then take it to the Livingston School Board.

Bob Wiltshire: You're missing my point here.

John Bailey: Well, I know but we have a School Board member who sits on the Task Force, or ex-School Board member, who was there during some of those buildings.

Jim Robinson: In a sense, in my mind, it's for the sake of convenience. If we have a set of recommendations going to the Governor, and then those agencies that the recommendations pertain to, can take it from there. It's just like addressing something to the head of a department. Well, the head of the department may or may not see it, it's going to go wherever it is appropriate, so it's addressed to that for information.

Allan Steinle: I know we're going to regard every recommendation the Task Force makes that we have the authority to deal with as a recommendation for us to address.

John Bailey: Under Step 2a, all recommendations must be proposed by a voting member of the Task Force. What happens to our Ex-Officio members in this process?

Andy Dana: I don't think they get to recommend. They can whisper in the varying members' ears, and say, "Will you recommend this?"

John Bailey: Well, then do they get to have a discussion about our recommendations? I just want to get this somewhat on the table.

Andy Dana: This is the formal process, John, so this is when we're ready to take action on a recommendation. And so the rationale for limiting it to the voting members of the Task Force was to have the community make the recommendation, rather than the agencies, since we're going to be advisories to the Governor.

John Bailey: I'm not arguing that, but can they have discussion on it?

Andy Dana: Not under Step 2. Under Step 1, yes.

John Bailey: Okay.

Andy Dana: In Step 2 you make a recommendation, the Task Force Chair restates the recommendation for the record, calls for consensus, and you either adopt it or you don't. That's a very limited procedure, in Step 2. Step 1 is different. If you don't reach consensus in Step 2, you can go back to Step 1 where we table it or dispense with it. That's the way it's laid out, at least.

John Bailey: Okay, so under 1, I want to get back to the concept that—and I don't think it is here—how we'd take written comments from the public? That would have to be during Step 1, before we go to Step 2, correct?

Andy Dana: Step 2 is the way you winnow it down to get the line that goes to the Governor.

John Bailey: But 2 will make a group of recommendations, that we will then take and winnow down more in 3.

Andy Dana: Not necessarily. In Step 3, we look at the whole package, and see if it is something we're comfortable with. Or to make sure that recommendations made in the early meetings that are not redundant or inconsistent, and then we take action, in 3.

John Bailey: Are we taking written comment from the public, or anybody else, after we've gone from 2 into 3?

Andy Dana: No. This is the Task Force function, in Steps 2 and 3.

Bob Wiltshire: Except 3 was established so that if somebody's constituency or some other segment came unglued about a consensus recommendation that we would have an opportunity to revisit that issue.

John Bailey: And only through a Task Force person. I just want this revisited so people have an understanding of how this process works.

Andy Dana: And, again, they're our rules, it's not to exclude the public in any way, but we need to make a decision and we need to have a process so that we can act as a body. That's the only rationale for it.

John Bailey: I want to make sure that everyone understands what we talked about previously. Once we move into Step 2, the public is somewhat out of the discussion unless they're working through a Task Force member.

Bob Wiltshire: The public becomes lobbyists at that point.

Andy Dana: I don't know that it is the right way; it's a way, so that we can act around the table here.

Allan Steinle: It looks like in Step 2 there isn't anymore lobbying.

Andy Dana: Right.

Bob Wiltshire: Well the lobbying takes place in the backroom.

John Bailey: With a Task Force member, trying to sway them how they're going to vote.

Allan Steinle: We'd have to do it before Step 2 then.

Andy Dana: Well, except that you get to revisit it again in Step 3.

Laurence Siroky: My point is that it should be as public as possible, all the discussion, so we may take three meetings to get through Step 1, one meeting to get through Step 2, and one meeting to get through Step 3.

John Bailey: We have six meetings to get through July, we still have August.

Bob Wiltshire: So we could spend six meetings on Step 1.

Laurence Siroky: That's my point. All the discussion, all the lobbying, everything else is in Step 1, and then Step 2...

Bob Wiltshire: Steps 2 and 3 are when we get those words on the paper, but by the time we get to Step 2, we should pretty well have a good idea where we're going.

Laurence Siroky: That's the concept I'd shoot for.

Andy Dana: We don't need to do this, but my original conception was, we would have the general discussion on a particular area, and then come up with recommendations, that night, go through Step 2, and stop it there. And add some recommendations passed during that series of six meetings. Then, during the last two or three meetings, we then try to put the whole package together; so there would be a lot of time between those two and three meetings for constituencies to talk to their people. My concern about this is, I wonder whether this process sets up the Task Force for a "crash and burn" in the last couple of meetings; where the constituencies weigh in and we have some pretty fiery last meetings and the whole thing comes down.

John Bailey: My concern is what Larry was talking about earlier, in this scenario we have a meeting in early May, and we go through topics 1 and 2. We come up with recommendations and then we vote. How do we ever go back to the TAC and ask them questions? In essence, we set up a scenario where we aren't really talking to the TAC.

Andy Dana: The TAC can come to those meetings, they can weigh in.

John Bailey: Right, but we're not going to be able to bring a bunch of stuff together and go back to the TAC to hear what they say about that. Isn't that what you were asking about earlier?

Roy Aserlind: Yes.

John Bailey: And you agree with me that that's not going to happen?

Roy Aserlind: It can't happen.

John Bailey: That with this scenario, at the early May meeting we get through 1, and then at the end of the meeting we move into 2, which is formal recommendations. Are you comfortable with that?

Roy Aserlind: I don't know.

John Bailey: Okay, thank you.

Roy Aserlind: I think we have to play that hand out.

Andy Dana: That doesn't bother me. I mean we have got to make decisions at some point, and we can talk to the TAC, we can invite them to the meetings and ask them questions then. We can talk to them after we've made the recommendations. We can come back and modify it for any reason, in 3d.

Bob Wiltshire: Except we don't come back to it until that last meeting. Like you're talking about, the crash and burn.

Andy Dana: But we've just changed that.

Bob Wiltshire: In the final process?

Andy Dana: Right, to a process.

Bob Wiltshire: I'm just concerned in meeting one of our six, we end up with recommendations that our further discussions in meetings three and four, where we change the flavor of what we did in one.

Andy Dana: We throw them out.

Bob Wiltshire: When?

Andy Dana: When we get to Step 3, down in the bottom of the recommendations.

John Bailey: Andy, you said that once we go to Step 2, the Ex-Officio members can't be part of the discussion anymore. If they can't, why can the TAC?

Andy Dana: We can discuss, we can go to an Ex-Officio member and the TAC. This too is just a process for getting a decision made, to get something down on paper, rather than just having a broad discussion. When we get that done, we go to Step 3, and we have a pool of preferred recommendations that we review comprehensively in 3. Step 3 may need some work to allow us to do that, but there'll be time between now and then to work it out.

John Bailey: Let me ask this question. Let's say at the May 6th meeting, or whatever day, we go through bank stabilization, we have a long discussion, and then we move into Step 2 and we make recommendations. On May 22nd, we have a second meeting, and we're moving into permitting; and under that new topic, we have more discussion about bank stabilization. There's no reason we can't have more discussion about that, right? So in a sense, you could have more discussion, you could bring back up some of the topics about some of those recommendations, correct?

Andy Dana: Right.

John Bailey: Okay. As long as that's agreed upon, then I know how to run this, but that's why I want to understand.

Laurence Siroky: Is what you're saying that we don't go to Step 2 until we've gone through all of this?

John Bailey: No.

Andy Dana: We couldn't.

John Bailey: We're going to start by addressing bank stabilization. At the end of the meeting, I'll say, "We're moving into Step 2, where Task Force members may make recommendations."

Laurence Siroky: I don't like that.

John Bailey: The next meeting we come and we go into the next ones, but we may have more discussion about bank stabilization because it's interconnected, and we may end up with more recommendations about bank stabilization, which may counter ones that we've already made. Then they get sorted out when we finally get to the final process. It's very possible in this process, to have competing recommendations.

Laurence Siroky: I guess my vision was that we'd go through all of these categories and come up with the recommendations from A to Z; and then that would be completing Step 1, we've got those recommendations. Then you go to Step 2 and start winnowing those out.

Andy Dana: That would be an alternative, which would be fine.

John Bailey: That's another way.

Laurence Siroky: I'm just saying that they're interrelated and you may want to combine a couple of recommendations. That's just a concept that we were talking about.

Bob Wiltshire: Personally, I would prefer to follow that sort of model, than to actually have formal recommendations starting at the May 6th meeting. Because my concern is, inevitably we'll come up, at some point, with competing or conflicting recommendations. And if we put all that off until Step 3, we increase the chances of a big blow up in Step 3.

Andy Dana: My concern about deferring it is that we defer recommendations for two months after the discussion, and it's not fresh.

Stan Sternberg: It might be nice to have just those bullets down there, kind of as placeholders, so that you know what they are.

Bob Wiltshire: Do we need to add a Step 4?

John Bailey: What's that?

Andy Dana: Well Step 4 would be what 3 is now. What 2 is now would become Step 3, and we have a new Step 2. At the end of the meeting, draft recommendations are proposed by, basically the same language. In 1c we have, "upon conclusion of the comments and discussion period, the Task Force will propose recommendations formally, in accordance with the procedures," and so forth in Paragraph 2 below. We don't have to do the formal motion on it at that point, we can just say, "These are the recommendations that are the bullet points," and then come back to them.

Bob Wiltshire: Yes, and I absolutely want to get to recommendations at that meeting.

John Bailey: But, Bob, I think actually making them and finding out if we can get consensus is a very important thing. Because if we wait until late July to find out if there is any consensus, we're in deep trouble. I mean, we need to know up front; and if we've got areas where people want to make recommendations and we can't get consensus, then we can start going to the TAC. We would have opened up a whole bunch of things, and we can start trying to get information or finding out alternatives that would satisfy the issue. If we wait until August to do that, forget it.

Bob Wiltshire: I agree. What if we make a recommendation at meeting one, and at the end of meeting two, we realize that the recommendation we made at meeting one we would like to change. Well, I'd like to have the latitude somehow to throw out that meeting one recommendation, and put that new recommendation in place that night. So that these things can evolve as we go, instead of keeping them all there, unchanged until some point in the future.

Andy Dana: Fine.

John Bailey: Were you agreeing with what he just said?

Andy Dana: Sure. I don't see, if we reach in meeting two an agreement or a feeling that a recommendation in meeting one was bogus, then I don't see anything that would prevent us from reaching consensus to throw out that first recommendation, and move on to another one.

Liz Galli-Noble: Doesn't it kind of say that in Step 2e and in 2d? It gives you all these options, right?

Bob Wiltshire: My understanding as I read Step 2, is that once something is adopted in 2, it cannot be changed unless we're in 3.

John Bailey: That was my sense.

Andy Dana: Yeah, maybe we need to change that. That would be fine.

Rod Siring: 2e says that if there is any recommendation that fails to achieve consensus it can be reviewed and revisited.

Bob Wiltshire: But it has reached consensus.

John Bailey: To be there, it has reached consensus at one point in time.

Andy Dana: 2d is the problem, because that ties any...

Bob Wiltshire: Right. That we can only revisit in meetings in Step 3, the last meeting, the final process. So, if we could put some flexibility in there, I think it would be good; otherwise, sure as shooting, we're going to be breaking our own rules right away.

John Bailey: Okay, I won't hear of it.

Allan Steinle: Maybe the idea in Step 2d was to keep the discussion moving forward, so we didn't continue to revisit the same issues. So maybe if the group wants to open up discussion on an already-passed recommendation, it should have to be by consensus as well; the whole group wants to go back in and revisit this.

Andy Dana: I guess the other way to look at it is that Step 3bii expressly anticipates potential conflicts between recommendations and it allows us to consider, during that process, getting rid of that one that we had before. I think there is some value in what Allan said, that if we just keep going back and revisiting the whole list, we are just going to be potentially in an endless loop. But I don't have a strong feeling about that.

John Bailey: I thought one of the reasons was that you might be able to get something in, and as we go down through this, and the discussion leads us to what to change. But there's no sense starting to change them until we've got the whole in front of us. Then we go back, and that's why it's a final process, not a meeting, because it is going to take more than one meeting, to really go back and then bring all that stuff together.

Andy Dana: That's where I think maybe we want to invite the TAC in, in that final process, we can show them our state of recommendations and say, "What do you think?"

John Bailey: They can be watching the recommendations as we go, too.

Andy Dana: But we would have sort of a formal step.

Brad Shepard: As a TAC member, I would really ask for your consideration trying to get the TAC involved early, if you want them there. Because if you're trying to bring the TAC in at the last two to three weeks, it's going to make it very difficult for the TAC to do anything valuable and useful. The TAC is familiar with the research, basically we helped direct it, and most of us have reviewed every report in detail. I think we're pretty familiar with the research, so I think we can help you potentially clarify some things, and maybe help you make your recommendations, or at least understand what implications your recommendations might have. But I'd really urge you to do it early, rather than late, because we aren't going to be much use to you if you come to us July 20th, and say "What about this?" We're going to need time to go through some of the processes you're going through here, to sort through some of this, and to take your ideas for recommendations and evaluate them.

Allan Steinle: Brad, is there anything the TAC can do now?

Brad Shepard: Well, once the final studies and the geomorphology studies are complete, as far as taking the information and breaking it down, I think maybe helping illuminate some points for the Task Force. I guess everything that has come out of just about all the studies really shows that the reaches, the river's different in different chunks of the river. I would really key on that in making recommendations. And I think that has really important implications for what needs bank stabilization, what is going to be moving around, and what isn't moving, and which way it is going to be moving around. It's really obvious, you look at all the studies that dealt with the river corridor, and they all were showing pretty much the same thing; in the most entrenched reaches it's not moving. There probably isn't much need for bank stabilization in those. Then you've got to deal with those areas that it does move, and decide what is an acceptable level of movement, or is there an acceptable level, and what the trade-offs would be if you don't let it move. Those are the kinds of questions you need to ask yourself, and those are the kinds of trade-offs on which you base your recommendations.

Bill Moser: No matter how you end up numbering 2 and 3, you pretty well have to have those as written. At some point everybody butts out and you do what the Governor assigned you to do. The problem that I'm having, seeing what's going on here, is how does the public get informed of what's happening in Number 1, in

time to get back to you and their representative, or to come back to this, revisit this, before it goes to Number 2?

John Bailey: You won't. You'll only get it to Step 3.

Bill Moser: The public? The Governor said the public would be involved in all decisions.

John Bailey: Yeah, but Bill, we're going to meet, let's say it's May 6th, and we're going to talk about bank stabilization, whatever we come up with, we have to look at all this and see how much time it does take to do bank stabilization. Somewhere in the meeting, when we've been through it and in all our discussion we've listened to the public, then I'll move us into Formal Actions on Recommendations to see if we have any recommendations to come out of that meeting. If we do, and they get consensus, they're in there. It's a recommendation until we get to the final process. Now you have all the time between May 6th and August—when we move into the final process—to talk to any Task Force member. In the meantime, I expect us to make other recommendations that almost make some of those others moot, or we have to change them. It's just piling up the blocks, and then eventually we have to take them all and throw them out and make new ones, I think. We're going to modify them, or whatever it says here. It says we, "...may not propose new recommendations but may propose modifications, amendments, or deletion of any of the previously...", but basically we're going to be making new ones too because they are different. I mean a different recommendation is a new one, in my mind.

Bill Moser: So the public almost has to be here for this series of meetings in order to know whether or not...

John Bailey: They can also read the minutes.

Bill Moser: I'd just like to take just a second and review the Mill Creek Ditch. They tell all these ranchers "If you think you'd like to participate in a ditch, that maybe is going to cost \$60,000, come to this meeting and we'll talk about it." Well, nobody showed up. It ends up being \$3.5 million, ends up every tree in the Pray flats is dead because there is no longer any groundwater feeding the trees, and at least 20 of the old homesteads had to rebuild their wells. There are all sorts of ramifications that were never intended by anybody. Maybe some people knew that when they started out, but by and large, nobody knew how great the ramifications of this ditch would be. I'd like to have some type of awareness that the public can have a few days to mull over what was said, what was intended, and then get back to whoever their representative or whoever is.

John Bailey: But you'll have a few months, at least on the early presentations.

Bill Moser: If there is awareness, maybe this is coming down to how do you publicize this is what the recommendations came out of this particular meeting.

John Bailey: If the press doesn't come, it's a problem. We send mailings out, we're having this meeting to talk about the process, so hopefully those people who are concerned will go out and tell more people. I mean, some of these processes none of us really understand, and after the fact. We've tried to be open, but again, we have deadlines too.

Bob Wiltshire: John, I'm very sympathetic to what Bill's saying. Maybe if we're changing Step 3 instead of a meeting, to a process, maybe we should offer the public an opportunity at the first meeting of that final process to make any comments on our recommendations that they wish to make.

Andy Dana: Sure.

Roy Aserlind: Then we will respond to their comments one way or another.

Bob Wiltshire: We will hear their comments, there's no discussion with the public, but give them an opportunity to bring us their voice before we go into our final deliberations.

John Bailey: At one point you were talking about only taking written. There was a discussion at one time about taking written, I'm not sure if it was recommendations or input, or what the right terminology is.

Bill Moser: I think something along this line is going to get rid of a lot of sour grapes down the road.

Scott Bosse: I was going to say that I think that is a great idea. The only danger of opening something up to the public to comment on is that you need to facilitate that meeting very well, with strict rules, strict timelines, and you have to make constructive comments. You can't just show up and be obnoxious and steal the microphone for half an hour. But I think that's a great idea.

Andy Dana: One other way to perhaps look at this—it doesn't really address Bill's concern about mulling over what was talked about at the meetings—we could set a schedule about what topics we're going to discuss when, and publish that, maybe in the papers, and try to inform the public that this is the night that the Task Force is going to develop recommendations on bank stabilization. The public is invited to come and weigh in, and join in general discussion at that point. That might at least give the public the opportunity to participate.

Scott Bosse: If I may just take less than one minute to follow up on what I started at the beginning of this meeting. My comment then is very pertinent to what we're discussing right now. Would that be okay?

John Bailey: Go ahead.

Scott Bosse: I would like the Corps of Engineers to hold a scoping process that's open to the public prior to their development of the SAMP. The reason I'm bringing this up to the Task Force is because there are a lot of people outside Park County and outside Montana who care about the Yellowstone River and I'm very concerned that Mike Gilbert told me that the Task Force constitutes the scoping process for the SAMP. So, all I was asking earlier is if the Task Force would consider maybe sending a letter to the Corps requesting that there be a public scoping process besides the Task Force itself.

Andy Dana: My recollection of other comments was the Corps tried to claim our activities were scoping and we wanted nothing to do with that, and I don't think we want to go there now either, nor do we want to suggest that we have any role in the development of the SAMP.

Scott Bosse: Well that's what I was told by Mike Gilbert last week, that this is the scoping, and that really concerns me.

John Bailey: No, we're off of our topic again.

Scott Bosse: I'm done, but it is, he said it's a public process.

John Bailey: We spent I don't know how long discussing the socio-economic study with the Corps, and the SAMP. There were a lot of heated discussions because the Corps, to do a SAMP, has to go into NEPA. We have no authority to go there, no authority. We can't. On our socio-economic study, they have to do things, there were four points to the full socio-economic study. One and two, we've done; three and four, they have to do alone because it has to meet the requirements of NEPA. We have never tried to deal with NEPA, we don't deal in NEPA. It's a very different set of rules they have to go by. We have no authority there.

Scott Bosse: Well if the Task Force chooses not to request it, that's fine.

John Bailey: We're trying to act on this other issue right now. And you're trying to get another motion on top of that.

Scott Bosse: The only reason I brought it up now is because I was told that this is the scoping process for the SAMP.

John Bailey: You'll find no one on the Task Force that agrees with that. The Corps, and Mike, has definitely tried to do that, we've never accepted that.

Scott Bosse: Okay. All I ask is that you send a letter to the Corps stating that.

Andy Dana: It's in our minutes. It's all over.

Bob Wiltshire: I don't think it's also our role to be preemptive on these kinds of things, Scott. We can't be running around worrying about how anybody wants to interpret what we're doing, and a possible outcome. We have made it abundantly clear to the Corps that we consider this no part of their scoping process.

John Bailey: At the last meeting, I was sitting with Mike and he was bringing that up again. And I said we don't do that. I understand where you're coming from, but we have no authority in NEPA and to do a SAMP, they have to go through NEPA and that is a very formal system.

Liz Galli-Noble: I would like to ask Allan a point of clarification. It was my understanding that you don't go through NEPA until you write the plan. So, I guess I don't even understand what's being said here. There isn't a scoping process that's happening right now, is there? Don't you have to produce the SAMP first?

Allan Steinle: Well, it has to be a government action, an action under consideration.

Liz Galli-Noble: So, what's being said here isn't exactly correct is it? That using us for scoping, I mean that's not what the Corps had intended.

Andy Dana: Scott's concern is that the Corps is starting the SAMP process and that's a governmental action, or a planned governmental action. And they need to do a scoping to define the scope of the NEPA review, and they're saying that the Task Force, according to Scott, is providing that scoping analysis.

Allan Steinle: Scott, I guess if you have concerns, just send a letter to Gilbert or send it to his boss.

Scott Bosse: Okay.

Allan Steinle: It will get consideration, if it comes directly from you. It would have to be part of the record for the process; it would have to be addressed. I don't know that it would get additional attention just because it came from the Task Force.

Scott Bosse: That's all I wanted to bring up.

John Bailey: I can tell you, on that subject, Mike Gilbert and I have never agreed. And for me to get agreement, I had to use someone else in Omaha. They actually brought another person in, in order to move us through that socio-economic study, and there were a lot of bitter, heated discussions with the committee that I had directly, because they tried to overrule the committee, but they didn't succeed. This subject has been there for how many years? Roy, you were on the committee.

Roy Aserlind: Yes. Well from the very inception I think.

John Bailey: It took us a couple years before we could even talk about socio-economics.

Roy Aserlind: Since the inception of the socio-economic.

John Bailey: I think for two and a half years, or three.

Andy Dana: The other thing to look at is the Memorandum of Understanding [otherwise known as the Cooperative Agreement] between the agencies. That specifically lays out the Task Force role as not being involved in the NEPA process.

Scott Bosse: I have my work to do.

John Bailey: If you went to the Forest Service, a lot of individuals can bring data in. Once they start that formal process, then it's formal. So we're going to bring in all this data, the Corps is going to take all the data we have. Because we've been through all this, we should end up with a very broad buy-in to the data. The Corps is planning to take that and move with it. Okay? That's probably going to be the basis of what they start

with. But at that point, then there's a formal process for people to bring in anything else they want. I assume that if they brought in scientific data that countered what we have, then the Corps has a big problem. We spent meeting after meeting on that fine line for us not to step into NEPA, and at that time we had a Task Force member that was very up on NEPA.

Jim Woodhull: What you're saying, John, applies to virtually any recommendation I could see coming out of the Task Force, because in the City and the County, the Governor isn't going to just wave a wand and make it happen. It's going to go to an agency, which is going to have a process. The County would have to adopt an ordinance, which opens up another public process. Just because the Task Force makes a recommendation does not implement it.

John Bailey: Right.

Bob Wiltshire: I'd like to bring us back. I would like to see us somewhere in Step 3 make some provision for accepting public comment on the recommendations. We talked about a tightly controlled public comment meeting, where people stand up and talk, we talked about accepting written comment. I'd like to see us add something in Step 3 that allows us to accept that comment.

Roy Aserlind: Accept it, or listen to it?

Bob Wiltshire: Listen to it. We have to accept it and listen to it. We don't have to abide by it, just like we don't have to abide by anything, but I want to hear the voices.

John Bailey: Can we take written comments under Step 2? So, they would all be there before we start 3.

Bob Wiltshire: I don't know how we do it. I don't think we can take written comments before 2.

John Bailey: No.

Bob Wiltshire: Because we want comment on 2.

John Bailey: I know. I'm saying we'd have a meeting. In other words, you'd have a 2e and a 2f here. Until the final process, anyone can send in written comment. This way you come to the meeting on permitting, and then we make recommendations, and then Bill goes home and thinks, "that's crazy", and instead of waiting until July when he may forget, he can send in things about those recommendations.

Bob Wiltshire: I have no problem with that. I just think we need some sort of mechanism to let the public know that just because we've reached the end of Step 2, doesn't mean that we're not interested in what they have to say at that point. If as soon as a recommendation is adopted under 2, it is posted to the public and we accept written, if you don't want to call it comment, call it whatever you want.

John Bailey: No, I don't know what to call it.

Andy Dana: I guess what I would recommend as a way to address your concerns is, I started to draft here, what I would say is, instead of 3a as it stands, I would insert another 3a, "during it's final process", something like that, "the Task Force will accept public comments, oral or written, on the set of recommendations previously adopted under 2."

Bob Wiltshire: On all recommendations, yeah.

Andy Dana: And then from that, limit that to an hour or two hours, or however long you want to, that's up to the Chair. Then move into, at its last meeting or meetings, the Task Force members review the set of recommendations and essentially, leave 2b as it is. Move what is now 2a to 2c, I mean, 3a to 3c and state there that we anticipate that we will adopt for transmittal to the Governor a complete set of recommendations as modified and winnowed down by 3b, and then 3c becomes 3d. Got that Liz?

Liz Galli-Noble: I got most of that.

Bob Wiltshire: I think that's great.

Andy Dana: So essentially we have a general discussion session as 3a.

Bob Wiltshire: I'm leery of the "discussion" word there.

Andy Dana: Okay, we don't have to use that word for it.

John Bailey: We're just taking comments.

Bob Wiltshire: I want to just take and accept comment. I don't want to get into a give-and-take argument with "are we nuts or not?"

Liz Galli-Noble: People will be happy about the written comment opportunity, because it came up many meetings ago: what happens if community members can't make the meeting? And that is a very real situation for folks; so I think that is very valid that we make sure we put out press releases or something that says "This is your last two weeks for written comment" or the like; because people have articulated that they can't make evening meetings, and so they miss their chance to comment.

Andy Dana: We need somehow to enter that formally into our reception of those comments, though. Either we have to have somebody read those written comments into the record, or we have to have a packet before hand and have everyone go around the room and say we've all looked at this, or something like that.

Scott Bosse: Do you think if you wait until Step 3 that that is too late for the public to comment? What I would like to see is for the Task Force to have a meeting, in a tightly controlled manner, where they are simply listening to the public. The public has digested a lot of this information along with the Task Force, and they simply say, "These are some of the things we would like the Task Force to consider." And then, once the process starts, it's all yours, because I think it gets really complex when the public is commenting on your earlier recommendations.

Andy Dana: But they are going to be able to do that under Step 1 anyway.

Scott Bosse: All I'm saying is that if there is a formal meeting to listen to public comment, I think if there could be just one meeting like that, it should happen early on in the process and then the ball is in the Task Force's court the rest of the way.

Laurence Siroky: I guess to add to that, between 2a and 2b, the Task Force restates recommendations, and asked for final concerns and questions, and those final concerns and questions can be based on public comment. So public comments would come in between 2a and 2b, after but before b.

Andy Dana: I'm reluctant to tamper with Step 2, because that's just how we take action, after getting public discussion in Step 1. The other thing, Scott, responding to your concern, I understand where you're coming from, but we also have Bill's concern, which was the public needs to mull this stuff over and think about the recommendations for awhile. They won't be able to do that if we have the public process early on. Maybe what you're asking for is, before we even get to development of recommendations, just hear the public, hear what the public has to say. Just have a meeting and say, "let's hear what you have to say."

Scott Bosse: Yes.

Andy Dana: Then we go into the recommendation process. I don't have a problem with that.

Stan Sternberg: One of the things I worry about with these meetings, and coming up with recommendations, is that it could be delayed, or recommendations might not be made. There could be more discussion than there are recommendations. I don't know if it would be a worthwhile exercise to—public included, and Task Force members, and Ex-Officio members—sometime before the convening of a meeting, at least give the bullets, the recommendations, to Liz. Get them down on paper, and then when we come to the meeting, we at

least have something to look at, a recommendation. Instead of trying to go through a whole bunch of discussions and come up with something in writing. I don't know if that would work or not.

Andy Dana: My guess is that people are going to be doing that.

Bob Wiltshire: Scott, a question for you. If we were to have a meeting where we brainstorm, or free flowing suggestions for recommendations, and turn that open to the public, would that fulfill that early public comment?

Scott Bosse: Absolutely. I would make it specific; I would say to the public, "we are soliciting your either written or oral recommendations before we go into the formal recommendation process." The meeting is limited to that topic only.

Brad Shepard: I think you've got that with Step 1, as long as you publicize 1, you've got that.

Bob Wiltshire: Except Step 1 is to deal with a specific topic or topics.

Brad Shepard: But that's what you're doing. That's what you're talking about.

Bob Wiltshire: I think what Scott is saying is a general, across-the-board meeting, not a series of six meetings.

Scott Bosse: If some members of the public want to go to every Task Force meeting from here on out, they can. But frankly, I think a lot of people in Park County, and around Park County, are a little intimidated by the fact that this has been going on for so many years, and so much information has come out. They just probably want to get a few things off their chest, and say "listen, I've been following the issues on the Yellowstone River for 20 years, and I've read some of your studies, and I hope you consider making these recommendations..." And that would be the purpose of that meeting.

Jim Barrett: I agree with the idea of having an opportunity for anybody off the street to come in and make a recommendation that may not come out of the Task Force, because, for whatever reasons, people might be dancing around issues or whatever. People could just blurt it out and say, "By Golly, you ought to stop doing this, or make sure this doesn't happen," so that everybody has an opportunity, so that it has been said, and it's been said orally, so that everybody heard it. Written comments, sometimes you never know whether they've been read by anybody or not. You know they might be entered into the record somewhere, but the idea that these issues are laid on the table in all their rawness or whatever, and someone doesn't have to try to mince words, and those are things that the public can do without worrying about consensus or anything. They can say it even if it's a hair-brained idea, they can still say it.

John Bailey: Well, are you then expecting us to go through those and have some discussion as a Task Force, or just let them fly through the air?

Jim Barrett: No, I think that you've had five years of doing this. So I think what the important thing is, again I can't speak for Scott, but if the public has a chance to say, "No building in the flood plain, I now make a recommendation that there should be no building in the flood plain." Then, that recommendation, at least that idea, has been stated, and if people want to discuss it within the Task Force and come up with some other way to discuss that or not discuss it, whatever. At least the person from the public has had a chance to express that. Then, if the Task Force does not deal with it, or does not make a recommendation, then that person can do whatever they want with that, respond, however the public can respond.

Scott Bosse: That's exactly what I was hoping for.

Allan Steinle: The remaining meetings are pretty precious. There's not much time left to do a lot of work; but it sounds like a good idea to me. Whether or not that discussion leads to anything, at least it gives every member of the Task Force an opportunity to hear it. And they can decide if they want to be a champion for that idea or not. If nobody decides to pick it up, then that's the way it goes; but at least everybody had a chance to say it. People that have been following this process faithfully will have a chance to say what's on their mind, and see if they can interest anyone on the Task Force to carry the ball from there.

Andy Dana: I thought you were going to say, "That's a scoping meeting."

Bill Moser: The more problems that are brought up tonight and resolved, the better off the whole thing is going to work. So I want to bring up one more problem, what if a member of the public brings up something that the Task Force feels that they need to go back to the TAC? Now you've got this time-step going on.

Andy Dana: I think in that situation, we can't make a recommendation. We can't address that. We had a set limit, a set time.

Bill Moser: You need a time, where you sit down and you do what is 2, and you do what is 3, and the public is out of it. But the more you put the public in it, then less people will be saying, "Well, I didn't know that was going on."

Andy Dana: But we have a definite time limit. We can't respond, we won't be able to respond, to every comment that the public raises; and it's not a question of not wanting to, it's just a question of what can we handle. I think that is just a reality of the process.

John Bailey: Scott, I've driven to Helena, I can't tell you how many times, to testify or talk to some committee, or whatever; and I've driven home so mad that I took the time, because all they did, they didn't even listen; I just did my thing. So, I'm afraid the same thing is going to happen with what you're asking.

Scott Bosse: That you're not going to listen?

John Bailey: We're going to listen, but are we going to do anything?

Scott Bosse: I don't think you have that responsibility. I frankly think it's just to make this process transparent, and to involve the public, and that's a really good thing. Allan knows that, the more transparent the process is, and within certain limits, giving the public the opportunity to participate, makes it a better process. Again, I don't think that any Task Force member has any responsibility whatsoever, except to listen to the public, just to listen to the broad range of ideas that may not come up in the Task Force itself. That's all I ask. I don't think you should have to respond to every recommendation, I just think you should listen, that's all.

John Bailey: So where are we on our Steps? We've been all around, and things keep coming out.

Bob Wiltshire: This all grew as an offshoot to my comment that I thought we should accept comment, once we've worked through Step 2; that we should allow the public to somehow comment to us. I liked Andy's changes, as he suggested them, about putting in a new 3a, which says we will accept comment. One thing I'm struck by, listening to this, is we're getting a strong voice from the public as they are represented here this evening, that they want us, early on in this process, to hear the public. If we're going to schedule time to do that, I think we should only accept written comment as part of Step 3, and not have another public meeting. Because our meeting time is precious, and we can't give two meetings to just having people walk up to the microphone. So I would make that recommendation, that we do something along the lines of what Andy had so eloquently verbalized to us, except stipulate that it is written. And I would also say that, at any point after a recommendation is adopted by consensus, we would accept written comment up until we move into Step 3.

John Bailey: But you've eliminated the meeting where people can come and talk?

Bob Wiltshire: Right.

Brant Oswald: But you've created one at the beginning of the process.

Bob Wiltshire: I think that I'm hearing that strongly, and I think our next meeting, May 6th, we need to reverse the order of our meetings, we need to accept our minutes and move immediately into public comment, and let the public tell us what they want to see us doing, and then move on to our business as a Task Force.

Roy Aserlind: Now, Bob, do you see this public comment coming prior to our listing any recommendations?

Bob Wiltshire: Yes. Let the public come tell us what they think our recommendations should be. Personally, what I would say, just shooting from the hip right now, is that at the next meeting, we'll have the public come tell us what they think the recommendations should be. Then we kick around other ideas that we might have, which throws us into, I would hope, some sort of groupings of recommendations. And then we can then take those groupings to be the focus of our next series of meetings. There is a grouping of comments about regulation, a grouping of comments about whatever.

Allan Steinle: It could make the Task Force's job easier, if they get some good ideas out of that public meeting.

Bob Wiltshire: Well we started off early tonight talking about how we work through this half-inch comments summary, but it might help us put some framework to how we deal with this.

Andy Dana: I don't have any problem with that, but we do need to go back, if we're going to do that, and address 1a, because that is tied to the Topics of Consideration. We need some process for developing the framework, and I don't know, other than that, that we're going to have time to do that.

John Bailey: Bob, was your comment that at every meeting we take comment?

Bob Wiltshire: No.

John Bailey: You weren't clear about that.

Bob Wiltshire: I'm sorry, I don't want any ambiguity there. One time only, at our next meeting.

John Bailey: The first meeting?

Bob Wiltshire: The first meeting, yes. I called it our next meeting, that first meeting on May 6th, after our science presentations are completed. We start that meeting, and I would then also be very strongly in favor of limiting the amount of time that any person can address us.

John Bailey: What is that time?

Steve Caldwell: I would agree with Scott on that. I think we need to have, if at all possible, an independent meeting, and keep comments to two minutes or so, and make sure that nobody monopolizes the time. Three minutes is pretty standard in a lot of public meetings.

Bill Moser: Per subject.

Steve Caldwell: No, per comment, per person.

Bob Wiltshire: Any additional comments could be submitted in writing.

Bill Moser: Could there be a "1a" that says there is going to be a certain amount of publicity to tell people that this has been going on four or five years, and you either talk now or you're going to be stuck with whatever comes out? The public needs to know this is going to be happening.

John Bailey: That's your job.

Andy Dana: Press Release.

John Bailey: We send out close to 300 meeting minutes; it's amazing to me how many people read the minutes everywhere. Todd O'Hair says he reads them, I couldn't believe it. I don't know when he has time to read them; they're in the Legislative Session, my goodness. It's astounding to me how many people are reading the minutes.

Bob Wiltshire: Bill, I would say you won't find any one of us that wouldn't want to do anything we can to get as broad-based a participation in that as possible. But on the other hand, I don't think we can commit to placing x amount of column inches of advertising in the paper, or posting fliers on every fencepost.

John Bailey: So what is this, is it 1a minus or something? Are we putting in a new a and giving b....

Andy Dana: I think this is a separate thing from this.

John Bailey: Okay, thank you.

Bob Wiltshire: I think that public testimony comes before 1a begins.

John Bailey: Okay, and when that is done, we can move into 1a?

Bob Wiltshire: 1a. Now, the only question is whether we keep this formal language in here, the Topics of Consideration. Do we use that list of Topics of Consideration to set the agendas for each of our next meetings?

John Bailey: I think we have to, because we've spent I won't tell you how long coming up with them.

Bob Wiltshire: If everybody is fine with that, I'll stand aside.

Brant Oswald: I see your point, Bob, but I think for us to try to distill out of all those public comments, to try to distill a new set of groupings or topics, would take us another couple of meetings to go through that.

Bob Wiltshire: That's fine.

Brant Oswald: I think we're going to have to try to use those comments that we hear, and inject those into the meetings we have on those topics.

Andy Dana: Liz, you're going to have a three-inch binder after that.

George Jordan: This may or may not be a good idea, but you might be able to—since all your recommendations are going to be based on the science you have—you might be able to set some framework for your public comment meeting, so you don't have people coming in talking about stuff that you guys can't comment on. You might be able to limit some of the oddball topics that might show up.

John Bailey: I heard they want to come and give us recommendations, so we've got to shoot for the moon. I didn't hear any restrictions on the public, just come and have at it.

Andy Dana: I don't think we should have restrictions.

George Jordan: You have a lot of riparian data, you have water data, but if somebody comes in and starts talking about wolves, can you make recommendations or comments on that?

John Bailey: We already know what happens when wolves come up at this Task Force.

George Jordan: If you guys, in your press release or whatever, give just some general areas that can be adequately discussed, it would be beneficial. Somebody coming here to discuss wolves is wasting their time probably. So it might be just in your best interest to, if you can, frame some type of guidelines for that first public meeting, just to make it more efficient.

John Bailey: Wolves were on a wildlife study, that sort of came from your agency. We spent a long time on that, but it is a legitimate issue in the Upper Yellowstone. So are grizzly bears, and everything else.

George Jordan: But do you have data on those items?

John Bailey: Zero.

George Jordan: Does this Task Force have the capability to provide recommendations on that?

John Bailey: No, but I would expect at this meeting that someone is going to talk about it. They're going to talk about all of those things, I just expect that.

Andy Dana: Our mandate is not necessarily to develop recommendations tied to this. That's the track we took, but we don't have to do that.

John Bailey: If we're talking the Upper Yellowstone, it's a wide-open.

Scott Bosse: You can solicit comments limited to a certain scope. I think in order to avoid this meeting becoming a circus, you'd need to do that.

John Bailey: Am I to cut you off if you start talking about something that I don't want to hear?

Scott Bosse: Yes, absolutely.

John Bailey: Then we shouldn't have the meeting, because the public will have felt cut off.

Bob Wiltshire: I think you let them have their three minutes and say "Thank you."

Andy Dana: I agree.

John Bailey: If we're doing a public meeting, I don't know how to control it.

Andy Dana: Three minutes.

George Jordan: If you had 30 people show up and get on the agenda, and each one of them took three minutes to say why they were opposed to wolves in Yellowstone Park, that's not a productive meeting either.

John Bailey: I don't disagree with you.

Andy Dana: It's productive for them.

Liz Galli-Noble: I will try to put out a draft press release for Task Force approval by the next meeting, does that sound palatable? Typically, I send out press releases before every meeting, but on occasion the local papers don't pick them up. Given what I am hearing here tonight, I will ask the Task Force to approve both a press release and for a small paid ad to help ensure that the public hears about this important meeting.

Andy Dana: When is our next meeting?

Bob Wiltshire: April 29th.

John Bailey: It is going to be a long one because Chuck is talking?

Andy Dana: That press release, it may need to be publicized earlier than that.

Liz Galli-Noble: Typically they do not want them prior to a week or less before the event.

Andy Dana: To get the word out?

John Bailey: I agree with George. I think we should be soliciting comments on river specific issues. We'll have to put some wording in our meeting announcement to try and encourage that; but I don't believe, once

members of the public get up and talk, we can cut them off. If we are going to have a public meeting, it's going to be a free-for-all.

George Jordan: Well, I would think that, if prior to that meeting there was some way to focus the comments, it would be better.

John Bailey: Well, we'll word something, but I'm assuming that most people, who are going to want to come, will have had some information about the Task Force. If we get a whole flood of people in here who know nothing about what we're doing, I'll really be surprised. I think people who are interested enough to come, have some sense of what we're doing. We have to trust the public some.

Jim Barrett: It seems like the press release could direct people to the Task Force website, where they can review the studies, minutes, whatever they need. [Task Force website: upperyellowstonerivertaskforce.org]

John Bailey: But I think also we have to remind people that they will have an opportunity later on in the process, where they can actually put written comments in as well. That this isn't the last time they can give input. During each meeting there is public comment on the topics of the evening too. I think we need to be careful, because some people may think that they never have another opportunity to be heard.

Liz Galli-Noble: So it sounds like I need to do this immediately, so I may need some help with these decisions. How do you wish me to proceed? Do you want John to work with me on this, or other Task Force members?

John Bailey: We'll do it, and then we'll send it out to people if we need to.

Liz Galli-Noble: Okay. Let's just shoot for a date, can someone just give me a date when they want it.

John Bailey: We're going to pick meetings, but we have not adopted this.

Andy Dana: May 6th, isn't it?

John Bailey: Well, we have to get a calendar. I'm just throwing a number out.

Andy Dana: I would suggest on this that we ask Liz to come back to the next meeting with the reworded Step 3, as we proposed, although limit the public comment to written only in 3a, and submit that for approval of the Task Force at the next meeting.

John Bailey: I think we need it to go out by e-mail for any edits needed; the next meeting is going to be a long one.

Andy Dana: Well, I think that we need to adopt this at some point.

John Bailey: Well, okay, but we need to send it out to the Task Force very quickly so that if there's any corrections or any discussion, people can do that by e-mail, so we don't end up with a half hour of discussion on April 29th.

Liz Gall-Noble: I will. Andy, can you please just quickly drop me an e-mail with the exact wording you had.

Andy Dana: No, sorry I did not write down exactly what I said.

Liz Galli-Noble: Okay, it's on the tape. I got most of it anyway.

John Bailey: We need to give it out immediately.

Liz Galli-Noble: That's fine. I will try and get them out tomorrow or the next day.

Scott Bosse: One last thing and then I'm leaving, which I'm sure will make you all happy. If you really place a lot of value on this public meeting, I would suggest maybe, John, you and Liz, do a brief Ed Board visit with John Sullivan and the Chronicle, and I bet you anything they would write an editorial saying to the public that this is the last really good chance to let the Task Force know how you feel. They can also steer the discussion towards the Yellowstone River, not talk about wolves or anything like that. That's it. Thanks for tolerating me.

Bob Wiltshire: I would like to know if anybody has any other changes. Is there anything stopping us from approving this, other than the rewriting of 3a? Because I don't want to have to revisit this thing again another time. I would like to be able to see us just agree to the new language in Step 3 and get this thing adopted.

Laurence Siroky: 3b to 4 something, I think there was a suggestion to get those scientific studies integrated a little sooner?

Bob Wiltshire: Except Laurence, I think that the point here is, if in Step 2 we adopt a recommendation, and then the TAC reviews that, what this says is TAC comment technically is a valid reason for changing things in Step 3. I have no problem with that if it's necessary to put that there.

John Bailey: Where did you want it, Laurence?

Laurence Siroky: I guess what you're saying is to leave it in 3b, and somewhere up in the general discussion, somewhere when you're developing recommendations. The TAC's information should be coming in to help develop those recommendations, and that might be in 1a or 1b. Whereas, the public will be asked for comments, that will allow the TAC to make comments at the same time.

John Bailey: Aren't we supposed to tell the TAC what we want? I don't think they have the authority to start making recommendations to us without us asking them to explore something.

Brad Shepard: No, I think the TAC is serving you guys.

John Bailey: Yes.

Laurence Siroky: Yes, I agree with that, but if you are going to ask them something, ask them early, is my feeling.

John Bailey: It is a great concern, because I see this timeframe element.

Allan Steinle: Would it be useful to the Task Force, at this point, to ask the TAC to synopsise what they consider to be the major findings, or the important findings for consideration, from each of the studies. And also to provide the Task Force with a framework for looking at the entire study area on a reach basis.

John Bailey: We have to get through the 29th meeting.

Allan Steinle: Yes, it would have to be after the meeting on the 29th.

Andy Dana: I'm sorry, what was the second part of your suggestion?

Allan Steinle: The TAC should provide a framework for looking at the designated study area on a reach basis, just to get the TAC involved.

Andy Dana: My only concern is that that's essentially reaching a conclusion that we should look at it on a reach basis, and I think that's where we are headed, but I'm not sure that we've come to that decision yet.

Allan Steinle: Okay, just say, "How would you look at this river?"

Stan Sternberg: That's where I was coming from a little bit. I think it's nice to just get some bullets down on paper, not that we necessarily agree with them, but just something a little more concrete, then go on with the discussion.

Andy Dana: That would be useful. I guess I'd also like to ask them to flag areas or topics that the science will not support as well. In other words, what are the limitations of their studies? So that we don't make assumptions about the studies that are not supported.

Allan Steinle: Cautions in the use of the information.

Andy Dana: That would be helpful.

Liz Galli-Noble: One thing that Terri Marceron [former Task Force member with the US Forest Service] said a while ago is that she had envisioned that the TAC would be like a feedback loop for the Task Force. In other words, the Task Force would come up with a preliminary recommendation, and that would be run by the TAC to see if the recommendation was substantiated by the scientific findings. So if I properly recall what she said, the TAC would wait until you came to some consensus, or at least draft consensus on a recommendation, and then they would review that and say "Yes, in fact, this study and this study, we can cite this, this and this, that supports that recommendation" or, red flag, "No, our science never showed this." And that doesn't mean you can't still have that recommendation, but if you wanted them to validate it through the science, she envisioned that as the TAC's role. I just thought I'd throw that out.

Bob Wiltshire: So would that mean then that after we adopt something under Step 2, we would then automatically send it to the TAC to ask them to review the science? Not the recommendation, but whether the recommendation uses valid science?

John Bailey: We can.

Andy Dana: I guess we're starting to get into lots of meetings though because we need to review the TAC's review and, thinking about that recommendation. It would be helpful in the best of all possible worlds, but when are we going to sit down and discuss it too? Or do we have a presentation from the whole TAC, which is another meeting?

John Bailey: My sense is that we can go to the TAC anytime. I don't know if we need it in the short term. They are part of the Task Force. If I want to know something about flood plains, I'm going to ask you about that, in any of these discussions. I think we have the same thing with the TAC; we can ask them anything at any time.

Brant Oswald: John, one thing that occurs to me, listening to Allan's comment a minute ago, some of our concern about the fact that our Topics of Consideration are fairly broad, and trying to figure out how to narrow them down, it seems like maybe, and I don't think necessarily has to be introduced into these Steps for Formal Action, but I think maybe Brad's suggestion that we get, early on, some input from the TAC, is something that the Task Force needs to do. I think with some of the sorts of ideas that Allan just mentioned, if we go to the TAC now and ask for some general information, I think we could draft a series of questions to present to the TAC, that might give us something better to work with than our sheets with those general topics and comments that we've made.

John Bailey: Well, I've been trying to get us started on these meetings, so we can at least have a couple of them, so we had some sense of how all this is going to work. Now it looks to me like we're only going to really have one recommendation discussion meeting in May, because we've now got a public listening session scheduled. I have no problem with the public meeting, it's one of those things that people want, but we keep getting pushed back, and we've been going to Helena a lot, trying to get the science done. I'd hoped that tonight's meeting would have been our first one to start formulating recommendations, that was my assumption. We're now looking into later May. Maybe we have to have three meetings in May, if we can get a couple of meetings where we've got something going, then I think maybe we as a Task Force, can go to the TAC. The TAC would have a whole month, let's say to come back in early July, and give us something. But, if you look at this schedule, it's very, very tight, and we've got to get a couple of meetings under our belt in order to, in my sense, to get this thing moving. I think once we've had a couple of the meetings, there will be a flow as to what works. Maybe in a couple of meetings we'll see how that flows. We don't know how many of the public will come to speak on May 6th, and so it could be the whole meeting; I don't know?

Bill Moser: I'd like to suggest that, in the two public announcements, you could stress that, if you had a series of speakers, and let's say they all, every single one of them got up and said "I think there should be a 300-foot setback from the flood plain", after the first guy makes that point, everybody else is out of order to just keep being redundant, and in that case, then your Task Force should be prepared to start 2a that night.

John Bailey: I can't do that.

You've asked for a public meeting to let anyone speak whatever they want, and the Task Force thinks that is a good thing to do. So, there is no way we can do what you proposed, because then they want to make that statement at the end, and they've got something very important, and I've cut them off, and that's wrong. They will leave, and massacre the Task Force, because we didn't hear them.

Bob Wiltshire: I think, John, that you always do a very effective job of setting the stage for these things, though, and I think that, in your comments at the beginning of that meeting, you can help to direct a lot of that comment. I mean, to the best you can, because you still can't control someone when they've got their three minutes.

John Bailey: Right. If we're going to have a public meeting, that's what we're having. If you modify that, it's just a nightmare.

Bob Wiltshire: I think, though, that we also have to accomplish some work at that meeting.

John Bailey: But we don't know how many members of the public will be coming.

Bob Wiltshire: Right. I think that we should try and have a Task Force meeting after the public comment.

Andy Dana: You mean at the public meeting?

Bob Wiltshire: Yes.

Andy Dana: I think we just ought to, as Scott said, schedule that as a public meeting, and not plan on anything else.

John Bailey: No, but if only ten people come, then we can move on.

Andy Dana: Yeah but if GYC, or PCEC, send out their postcard mailings saying: "This is your chance to talk to the Task Force," we may have a lot more than ten.

John Bailey: But we don't know, going in.

Andy Dana: No.

George Jordan: I assume you would have the authority to say that this is going to be a three-hour meeting, the first two hours is open to public comment, and then with the other time, get some business done. Then if ten people show up, you just get to get started on the business earlier. Is that something that can be done, or is that going to mess up the whole thing?

John Bailey: Well, I assumed that, when the public was done, if it wasn't too late, we would start in on bank stabilization, or whatever topic comes first. That's my assumption, but I have no idea how many will come. I actually don't think a lot, because we've had a pretty open process all along, so people have had a chance to comment. But one doesn't know.

Bob Wiltshire: I'd like to bring us back to the Steps for Formal Action.

John Bailey: Please. Are you making a motion? Is that what I hear, a motion to accept all this, except for 3?

Bob Wiltshire: I make a motion that we accept, with the changes agreed on earlier, which is changing “final meeting” to “final process”, or some other such language. I make a motion that we accept all except the rewritten 3a, the reorganization of Step 3, because we were shifting some things around there. A further part of the motion that, via e-mail, we accept the reorganization of 3 as part of the part-and-parcel, entire package. Does that make sense?

John Bailey: Do we have a second to that motion? We’re not following consensus here.

Jim Woodhull: Second.

John Bailey: We have second. Any discussion?

Andy Dana: Do you want to put the possible outcomes into a footnote?

Bob Wiltshire: Oh, yes, I would accept that amendment.

Liz Galli-Noble: I thought that you wanted to delete the footnote?

Bob Wiltshire: I would prefer to delete it personally.

John Bailey: Yes, I think that’s fine.

Andy Dana: Okay, and then, I just wonder do we do essentially a straw poll, or a vote by e-mail, and then we enter into the minutes at the next meeting what the results of that are? Whether there is adoption? Because I’m not sure that we’re set up to formally adopt something via e-mail.

Bob Wiltshire: You’re probably right. My inclination would be to have Liz send it out and say “Unless you notify me by this date, it is assumed that you are in consensus with this change,” but that might be a little bit heavy handed too.

John Bailey: And if there’s one who doesn’t agree, it will come up in the meeting.

Bob Wiltshire: Then it comes up at the meeting.

Liz Galli-Noble: We need to recognize that not all Task Force members use e-mail. E-mail people will get it immediately, but the people that get regular mail won’t. I can hand-deliver it to those members, but it’s a slower process. Could we just take a vote the very first thing we do at the April 29th Task Force meeting?

Andy Dana: I think that’s what we should do, just to have it in the record.

John Bailey: Let’s get back to the motion. We had a motion and we amended it a little bit. But we’ve now wandered from that. How did we amend it?

Bob Wiltshire: We dropped off the footnotes.

John Bailey: Okay, we have an amendment to the motion to drop off the footnotes. Is there further discussion?

Andy Dana: I made the comment about the e-mail aspect.

Bob Wiltshire: I would modify my motion that we make this the first item of business after adopting the minutes, and take a vote at the April 29th meeting.

John Bailey: Doesn’t that have to be part of the motion?

Bob Wiltshire: Well, then I’ll withdraw my motion.

John Bailey: I heard that and that was what I planned to do.

Andy Dana: Okay, I thought your motion was that we adopt it by e-mail.

Liz Galli-Noble: That was his original motion.

John Bailey: Was it? Excuse me, I'm sorry.

Liz Galli-Noble: The original motion was to adopt all of the Steps for Formal Action except for Step 3. The second part of that original motion was to poll the members via e-mail in order to accept a rewritten Step 3, then there was a slight amendment to delete the footnote. That is the original/amended motion, thus far.

John Bailey: I lost track. Okay, so then you need to vote.

Bob Wiltshire: Okay, I would like to further amend my motion to say the following: I move that we adopt Steps 1 and 2 as written on this form [*Attachment A*].

John Bailey: Is there a second to that amendment?

Andy Dana: I'll second it, but I want discussion too.

John Bailey: Well, you have the discussion.

Andy Dana: So, you're dropping anything on Step 3?

Bob Wiltshire: I'm going to make that contingent on our next meeting. I want to approve 1 and 2 right now, so that we don't have to deal with 1 and 2 at our next meeting.

Andy Dana: I don't necessarily see that we can't send out Step 3 as you originally proposed by e-mail, and have people notified that we're going to vote on that first thing on April 29th. But I just don't think we can adopt it formally via e-mail, as you said in your original motion.

John Bailey: We would send it out.

Andy Dana: Okay.

Bob Wiltshire: What I decided, Andy, because everything got so confused on the last one, is to just really boil this down into, we'll deal with 1 and 2, and then we'll deal with 3.

Andy Dana: Fine. I don't offer any amendment to amended amended, to the latest motion.

Bob Wiltshire: Liz, are you confused yet?

Liz Galli-Noble: I actually think that I got most of that.

Andy Dana: We've got the motion for 1 and 2.

John Bailey: Is there any further discussion on this amended motion? All in favor?

Bob Wiltshire moved to approve the following, amended motion:

- (1) The Task Force formally adopts Steps 1 and 2 of the *Steps for Formal Action on Task Force Recommendations* as written.
- (2) The “Possible Outcomes for Proposed Recommendations” footnote is deleted from the *Steps for Formal Action on Task Force Recommendations*.
- (3) Task Force members review changes made to Step 3 (see text box below for changes) via e-mail and respond to the Coordinator with any edits/comments.
- (4) Task Force will conduct a final vote on the wording of Step 3 at the Task Force meeting on April 29, 2003.

Andy Dana seconded the motion. The motion passed unanimously.

STEP 3 (Changes made to text are bolded)

3. Adoption of Final Set of Recommendations

- a. Prior to finalizing its recommendations to be forwarded to the Governor, the Task Force will accept public comment (written only) on the recommendations previously adopted in Step 2.
- b. At its last meetings **during which the Task Force finalizes the complete set of recommendations to be forwarded to the Governor**, Task Force Members may not propose new recommendations but may propose modifications, amendments, or deletion of any of the previously adopted recommendations in **Step 2** for any reason, including but not limited to:
 - i. To address concerns expressed by a Task Force Member's constituency **or the public** about the original recommendation;
 - ii. To eliminate potential conflicts between recommendations;
 - iii. To delete redundant or duplicative recommendations;
 - iv. To integrate scientific studies and data more efficiently into the recommendations; or
 - v. To correct clerical, typographic, transcription, grammatical, or rhetorical errors.
- c. The Task Force will adopt for transmittal to the Governor a complete set of recommendations based on the individual recommendations adopted by consensus pursuant to **Step 2** above, **as such recommendation may be modified, amended, or deleted by consensus pursuant to Step 3b above**.
- d. The final set of recommendations must be approved by the Task Force **for transmittal to the Governor** by consensus.

John Bailey: That actually takes care of the original and amended motions.

Bob Wiltshire: Right. Now we have no motions on the table, correct? Now, I would ask that Liz send the modified Step 3 out to the Task Force, poll the Task Force members as to their agreement with it as it is rewritten, and we will deal with it first thing at the next meeting.

John Bailey: Why does she have to poll them?

Bob Wiltshire: So that we can, if we have consensus via e-mail, she can just report to us, “I sent out Step 3. Everybody was in agreement.”

John Bailey: We can't. We don't have any authority to do that. It's not in our ground rules to do it by e-mail.

Bob Wiltshire: That's fine.

John Bailey: I believe it needs to be sent out, and we'll adopt it at the next meeting.

Bob Wiltshire: Fine.

John Bailey: I would not be comfortable making that decision whether there is consensus or not.

Bob Wiltshire: Fine.

John Bailey: Because no one can hear the discussion, and we have some people that don't have e-mail.

Bob Wiltshire: Okay.

Andy Dana: Then, Liz, if you want to do a draft of Step 3, and send it to me before sending it out to the e-mail, I can wordsmith that.

Liz Galli-Noble: That would be perfect. Thank you, Andy, I appreciate that.

John Bailey: So, we now can move off of this.

VI. Other Business (Note: out of agenda order)

Ed Schilling: John?

John Bailey: Yes? You'd like to bring up other business?

Ed Schilling: Yes.

John Bailey: Please do.

Ed Schilling: At the last meeting, John Bailey asked me a question about the setback on the Yellowstone River, and at one point I said, "I don't know." Since then I have looked into it a little bit, and I want to report that the setback on the Yellowstone River, at this point, is 150 feet from the high water mark, not vertical, but it is straight out. Also, that only pertains to new subdivisions. If it is an older subdivision, depending on how far it goes back, it could go back to the 100-foot setback, or it could go back to zero setback. But any new subdivisions that are okayed today are 150 feet. A landowner along the Yellowstone River that is not applying for a subdivision, or not in a subdivision, can build one foot away from the high water mark, depending on if he's in the flood plain or floodway. Just to clarify what was said at the last meeting.

John Bailey: I'm interested more because I remember 100, but I don't remember 150. I don't know when that happened.

Ed Schilling: And I didn't look up the exact dates.

Jim Barrett: It was a year ago.

John Bailey: Oh, okay. I remember the 100 because there were huge meetings.

Ed Schilling: 150 wasn't that controversial.

Bob Wiltshire: I hate to do this, but I think we've got to at least start on item number V on our agenda.

John Bailey: Other business?

Bob Wiltshire: Post-Task Force Activities.

John Bailey: Oh, well I was going to get there.

Ed wanted to get his other business in before I adjourned. He was afraid I was going to adjourn too quickly.

Bob Wiltshire: Well, I was afraid you were going to adjourn too.

V. Post-Task Force Activities and Actions

John Bailey: Post-Task Force Activities and Actions. Did you want to say something here?

Bob Wiltshire: No, I want you to tell us what's been going on.

John Bailey: Oh, okay. You were concerned so I thought maybe you wanted to bring something up.

Bob Wiltshire: I make a motion that John Bailey chair a Post-Task Force Committee that lasts for eternity.

John Bailey: One of my great concerns, as we've talked about earlier tonight, has been getting the data out with our tight time schedule. Hopefully we'll be done by August. If we aren't, we'll have to deal with that at the time. Liz and I have been to Helena—well actually, we'll be going to Helena again for a follow-up meeting as well—to make sure that Chuck Dalby is on schedule for the Geomorphology presentation on April 29th, which we had set up when we went up the month before. While I was traveling overseas, the congressional staff, who have been very supportive of us, spoke to Liz [Liz gives an annual update to the congressional staff each year when the Annual Report is released] and we indicated that we didn't have a lot of money left. They generally ask us if we need more money. So, Liz is talking to them, which I had told her to do, because we don't have a lot of money if we want to do much. Then they came back to her asking, "What is the Governor's office saying?" I got an e-mail from Liz, when I was somewhere in Asia, explaining all this. And I sort of stopped. I said that I don't want the congressional staff asking the Governor's office, we need to talk to the Governor's office as the Task Force, to get some direction. So I got a hold of Todd O'Hair, and said that we were going to be in Helena anyway, and he said "you can come meet with me." So we did. He said he was going to invite Bud Clinch, who is the head of DNRC, but he had some conflict. He also invited Jeff Garrard, Rehberg's Helena office, to attend; I guess they're very good friends. But anyway, we were going to talk to Todd of the Governor's office, not congressional staff, and Jeff did show up. So, one of the things we were talking about, is the Cooperative Agreement, which did we approve?

Liz Galli-Noble: Yes, you blessed it.

John Bailey: We sort of blessed it, but we're not part of it because we go away, but it's the conservation district, the City and County, the Corps, and State agencies. That's going to be an ongoing thing, but we also talked about this SAMP process, and as I said earlier, I wanted it to be clear, that everyone understood, that because the data is coming in—I guess ultimately I'm surprised we're even getting it as much on time as we are—but because we have this deadline of August, that we really can't get all the modeling in to use in forming our recommendations, and I said that I believe the Task Force is fairly aware of that. The Task Force certainly wants to be done; I've not heard from any Task Force member that we should extend. All I've ever heard is, "We want to be done." If you want to ask for something else, you need to do that, but I'm trying to represent what I've heard, and basically, when we were visiting the last time, the Governor's office said we needed to get done, and they're not indicating anything else.

But I talked about this SAMP process moving on, and I said we aren't dealing with that, and you've got to understand that. There are going to be recommendations made, and there is going to be modeling done, and we're going to be gone. I said that one of the things we are talking about is how do we get all this paid out? We are going to, all of a sudden, make recommendations in August and we're gone. Then Todd O'Hair said, "You should have a Governor's Conference on what you've done. A two- or three-day event with breakout sessions for landowners, the whole thing. We can give you the Governor's name to sponsor the event." They're doing one up in Missoula on Forestry. So I said, "Oh, okay, but we'll need money to do that." We are going to have another meeting with Todd O'Hair and the congressional staff on May 15th, and at that time let this sort of come up, with some concepts that may be possible. Then we're trying to use the congressional staff, the Governor's office, to strong-arm agencies for money, for whatever it is we're going to do. I asked Todd, "There's all this movement going on with the SAMP [data synthesis and cumulative effects analysis] after we're done, and let's say in November there's a lot of information out there. Do you have any problem if I call a Task Force meeting to review that?" His answer was "Not at all, have at it." I don't know that we have authority to do anything, but we do have authority to—we've been here, we have knowledge—at least listen and have a discussion. I didn't ask for more authority. This thing is ongoing with the Corps, and there's going to be a lot of monitoring stuff that comes out. He just said, "Yeah, do it." So, I said okay. That was that first meeting. There were a number of follow-ups too, and then, once we have a final report, we'll come back at some point to talk more. We can't formally do something because we don't really know what it is, but I had said that I'm very concerned that we can't go out [and do outreach and education]. I said I'd like to go to Omaha, I'd like to talk to all those Corps people, because some have been out here, but there are others who make decisions that haven't, and I'd just like to bend their ear. It was suggested that, "Well, let's bring them all here." So, I don't how that's going to work out, who's going to set that one up? And then I said something about going to Washington, and that will be somewhat up to the congressional district, once we meet with them again. My view is that the more people who are aware of the studies, some of them are very broad in

what they say, but you never know when someone has an interest, something comes up and they say, “Oh, you know I think there’s data somewhere,” and then they go up and dig and get the data they need, or they find out that it isn’t there. If we just make recommendations, and we don’t really talk to people about how we got there, I don’t think those recommendations mean a lot to people. I think you have to build the case behind them. That’s yet to be sorted out; but again, I have no clue where the Governor’s office was vis-à-vis us doing anything after the Task Force, at least at the moment they’re implying that we should do whatever we can, to only speak for the Task Force and what the recommendations are, in that case. It’s not trying to do something else. That’s what that is about. Any comments?

Andy Dana: I guess my question is, when you’re talking about going to sell the Task Force recommendations and the history of how we got there, and how we adopted them, are you saying that the whole Task Force goes to Omaha, or the whole Task Force goes to DC?

John Bailey: No.

Andy Dana: Because a concern is that the consensus process can be perceived very differently by everyone sitting around the table. So, if you go and make your presentation to Omaha or to Washington DC, that might be a very different presentation than I would make, or that Bob would make, or that Brant would make, and I don’t know that the consensus process, and the recommendations that come out of that, lend themselves very well to that type of a presentation.

John Bailey: So nothing should happen?

Andy Dana: I’m not saying that, I’m just not sure that it’s the greatest way for you or one or two people to go and give the institutional history of the Task Force. If you want to do something like that, we should have an annual report to back it up. We’ve got the studies, which back it up, of course.

John Bailey: I think we have to have a final report.

Andy Dana: Okay.

Allan Steinle: If the Task Force really wants to have an opportunity to talk to at least the people in Omaha, I don’t think it would be that difficult to get a few of the key people to come here, and then the whole Task Force could hear everything that was said, and have equal chance for everybody. As far as Washington, I don’t really see the point in that, right now.

John Bailey: One of the points is that congressional staff has been very supportive, moved a lot of money to us, we have to at least offer to make a presentation.

Allan Steinle: You also have local access to them as well. It’s up to you.

John Bailey: The way the ground rules are, the only person who can speak for the Task Force is the Chair, in essence.

Andy Dana: While the Task Force is in existence.

John Bailey: Well, okay. So, no one should speak then?

Andy Dana: Right. That’s my understanding of what the Task Force does, is that it’s over, that’s what we’ve said, it’s over as of the end of the Governor’s directive. I’m not saying it’s necessarily a bad thing, what you’re proposing, but I do think that there are some risks, and we need to think it through very carefully about who is authorized to speak, if anyone, or what we decide here, if we can’t put it down on paper.

Roy Aserlind: When you’re talking about getting the data out, are you just talking about the conclusions of all of the scientific studies, or are you talking in terms of hard data, numbers, statistics?

John Bailey: Well, I gave a speech to a Boaters' Association, and I talked for 30 minutes. Well, you can't do what you just said in 30 minutes.

Roy Aserlind: No.

John Bailey: So, to answer your question, you know what the venue is, and, if you've got 15 minutes, if one of the local service clubs asks you to come and speak at lunch regarding what we did, and you've got ten minutes, well, it's pretty broad.

Roy Aserlind: Yes, I get it. Let's say your going to a commission, a congressional committee or something...

John Bailey: I think you'd have to be very broad, I would think, because they're not interested in details.

Roy Aserlind: I'd agree.

John Bailey: I think it's the format that I would use. But, you need to go on there, Andy, because you're saying that we shouldn't have a Governor's Conference, we should just stop.

Andy Dana: No, I'm saying that. I asked the question about who's going to give these presentations to Omaha and Washington? And go out and toe the Task Force line and explain the institutional history. That's a very different thing than having a Governor's Conference.

John Bailey: Okay.

Andy Dana: I don't think I have anymore to say. You're free, I mean you were on the Task Force, just as I was on the Task Force. If I'm called before a congressional committee, I can give them my perspective, but I wouldn't presume to speak for Brant, or Roy, or others. It's my view of what the Task Force is.

John Bailey: How long has the Whirling Disease Task Force been gone?

Bob Wiltshire: Since 1999, I think.

John Bailey: How often is the Chair of that group asked as Chair to speak, I mean he's still being asked.

Andy Dana: So what? We've got a different Task Force. We can decide and we can give you that power, but I just raise the issue.

John Bailey: I know, which is fine, but if the question is, we're having these discussions, we need to end them if the authority isn't there.

Andy Dana: Um hum.

John Bailey: But who has the authority? Does the Governor have the authority, or does the Task Force have the authority?

Andy Dana: The Whirling Disease Task Force doesn't exist. Our Task Force won't exist. We'll have a collection of individuals but, you can't speak for the Whirling Disease Task Force now.

John Bailey: But I never could.

Bob Wiltshire: The Whirling Disease Task Force doesn't exist, yet we still periodically have Whirling Disease Task Force meetings.

Andy Dana: Fine. But you're not going and saying in front of congressional subcommittees that the Whirling Disease Task Force says...

Bob Wiltshire: Right.

John Bailey: I'm not talking about congressional committees. I'm talking about, in the couple months after we are done, to go out and say, "Here's the recommendations that the Task Force came up with." If the Task Force doesn't want that, I think the Task Force needs to say that.

Roy Aserlind: Well I think it's mandatory you do something like this.

Bob Wiltshire: John, do you think we could kind of wrap this all into one thing and do a Governor's Conference and try to bring the Corps people from Omaha to that? It's not the same as going to Washington, but trying to involve the congressional staff in that way.

John Bailey: Well, we can do that, but what happens when a Trout Unlimited in Great Falls wants a follow-up presentation, or the one in Billings; where they've asked me to come down and tell them what we are doing? Do you want to say I can't?

Andy Dana: Say, "I'll tell you what my perspective is as former Chairman of the Task Force."

John Bailey: Well if I'm using "as former Chair" it sounds like I'm speaking for the Task Force.

Andy Dana: I'll tell you what my perspective is, my individual perspective as a former member, as former Chair. It may not be a concern; I just raise that as an issue.

John Bailey: It's obviously a concern, because it's a concern of yours.

Andy Dana: It is a concern because I don't know that I can speak—I don't know that anybody can speak—for a summary of the consensus process, what it is. We can say what we did, and what we came up with, but in terms of elaborating on that, I am not so sure.

Roy Aserlind: My perspective is that I think it is very important to continue. I think we ought to go to every Rotary Club meeting in the state, and that's getting the word out.

Andy Dana: What word?

Roy Aserlind: And very specifically, in the Guidelines, the Chairman is the spokesperson. And I know that Bill Clinton is out giving speeches now.

John Bailey: Representing who though? Not the country now, right? I think that's what Andy was trying to say.

Roy Aserlind: Do you see a problem in it though?

John Bailey: I have to represent the Task Force, and right now there is not consensus.

Roy Aserlind: I'd say you're representing the taxpayers.

Andy Dana: Well, it depends on what he says, and we don't have control of that. John has been very good when we've been meeting as a formal body about getting consensus around the table, about what he says publicly in public forums. We won't have that in the future.

Roy Aserlind: But I think in a 20- or 30-minute presentation, you're pretty well limited by the time constraints on what you can say.

Andy Dana: It depends what the context is, and what the audience is.

John Bailey: It's obviously a concern here.

Roy Aserlind: It's not a concern for me.

John Bailey: Well, but for some. And we don't have all members here.

Laurence Siroky: If you look at the three paragraphs up there [in the Governor's Executive Order], our task really isn't done when we make the recommendations, there's one more step, the last step there, "...seek or encourage others to seek grants, funds or other cooperative agreements to implement recommendations of the Task Force ...".

Andy Dana: I think that anticipated that we'd be able to do that, have recommendations before we dissolved.

Bob Wiltshire: I think, though, that even if some Phoenix rises from the ashes of this group, and there's a new watershed group or Task Force, or whatever you want to call it, in my mind I hope something like that happens, because there needs to be follow-through or this ends up not achieving what we all hope it will achieve. At some point then, someone is going to represent the actions that we took. Who, how, I don't even know.

John Bailey: They don't have to.

Bob Wiltshire: No, they don't have to, but I don't think it is a stretch of the imagination that if some group is in existence six months after we're no longer in existence, I would certainly think that they were going to be representing our findings to the public in some fashion.

John Bailey: If it is a watershed group, they're going to move into the forest, they're going to move into all kinds of issues we never wanted to go into. I throw that out because I think, rightfully so, we have always been a very narrowly focused group. I think whatever comes will be much broader. So there would certainly be Task Force members, probably almost each one, that as that group would be going into things, they would say they're not representing me because I didn't want to ever be there. So then they can build on stuff we've done.

Bob Wiltshire: That would still be taking our recommendations at times, as part of what they do.

John Bailey: Correct.

Bob Wiltshire: And representing our findings and our work to other people, which we will have no control over because we'll have no control over it.

John Bailey: I understand.

Andy Dana: It may not be an issue. People are going to call on you as a resource anyway. It's just a question of whether we, as one of our last acts, give you authority to speak on behalf of everyone sitting around the table here. That's essentially what you're asking, right? Whether we give you that authority or not? You're going to be called on, and you'll probably say the same thing.

John Bailey: Well, if I don't have the authority, I won't go speak. Because, no matter what I tell them, I will be speaking for the Task Force. That hat is there, you can't get out of that hat, I guarantee you. This is the Chair of the Yellowstone River Task Force, you can't get out of that hat. The only thing I can do is not speak.

Andy Dana: Well, you can preface all your remarks by saying "I'm the former Chair of the Yellowstone Task Force. This is my opinion about how things went. This is what I think." You're not saying, "The Task Force thinks, the Task Force authorized me to convey this message to you." "I'm speaking based on my own reflection of my own experiences." I don't think that's a hard distinction to make, nor is it a hard distinction for people to understand.

John Bailey: What do we do about going to make a final presentation to the Governor?

Andy Dana: If the Governor wants us to make a final presentation, the Governor can ask us, or ask you.

John Bailey: But you're saying I may not have the authority, because the Task Force didn't give me the authority.

Andy Dana: Right. So, let's ask the Governor if she wants a final presentation, or wants us to give you that authority.

John Bailey: Well, Todd O'Hair said "yes." He didn't know what the format would be, and given that other things that are going on, it couldn't even be before October.

Andy Dana: What couldn't be?

John Bailey: The final.

Andy Dana: The final what?

John Bailey: Presentation.

Andy Dana: To the Governor?

John Bailey: Assuming we get done the end of August. Because she is going to be down here in mid-September, and other things are going. It will have to be very late September or early October, that's something I know.

Bob Wiltshire: So what you're saying is we're out of business.

John Bailey: Well, we're supposed to be.

Bob Wiltshire: Before a final report to the Governor could be made?

John Bailey: If we haven't made our recommendations by the August deadline, I don't think anyone is going to get mad if we have another meeting to finish. I think the public would be outraged if we just walked away.

Roy Aserlind: Well I would think any one of us as a private citizen, when it is all through, would have the option of doing it. I can see Bob Wiltshire talking to FFF about the Task Force.

John Bailey: Sure.

Roy Aserlind: I see absolutely nothing wrong with it, and presumably, no one in that situation would be making value judgments. It would be bing, bing, bing, that's the way it was, and this is the way it is. It won't be like John getting up and saying "I had to work for four years with a bunch of dunderheads."

Bob Wiltshire: That'll be his memoirs. John, is there action you would like to see from us tonight on this?

John Bailey: If you want to take action.

Andy Dana: I don't even understand what the...

John Bailey: All I was doing was giving information about having had a meeting with Todd O'Hair, and the things that were discussed at that meeting. There is a follow-up meeting May 15th, that we're having with him and the congressional staff about things that can be done, in a sense upon completion of the project. Todd suggested a Governor's Conference.

Andy Dana: If there's an issue of our authority ending on August 21, 2003, tell Todd that we need an extension to get the word out until December 31, 2003. Have a Governor's Conference, and he can write a one-page letter for the Governor to sign. That solves the problem.

John Bailey: I'll bring it up. I don't know what they want.

Bob Wiltshire: I would certainly encourage you to move this forward, find out more about what they are thinking, what they want. I don't think any one of us wants to see our report be the end of this.

Andy Dana: No.

Bob Wiltshire: I don't think that at all, so I strongly encourage you to interact with these people in whatever fashion needed, to work toward as broad of exposure that we can get.

John Bailey: Okay. Any further business?

Roy Aserlind: I second that encouragement.

John Bailey: If there is nothing else, we're adjourned. Oh wait, excuse me. We need to make meeting dates, yes thank you. I'm sorry.

VII. Schedule next Task Force meetings.

Tuesday, April 29th, 2003—Geomorphology Study Final Presentation
Location: Yellowstone Inn

Tuesday, May 6th, 2003—Public Meeting (Listening Session)
Task Force standard meeting, Recommendation Development
Location: Yellowstone Inn

Thursday, May 22nd, 2003—Task Force meeting, Recommendation Development
Location: Yellowstone Inn

VII. The meeting was adjourned at 10:45 p.m.

Attachment A. Steps for Formal Action on Task Force Recommendations

Governor's Upper Yellowstone River Task Force **DRAFT—October 7, 2002**

On [Date?], 2002, the Task Force adopted the following process for development of recommendations and for adoption of final recommendations to be submitted to the Governor.

1. General Discussion Session to Develop Recommendations

- a. The Task Force will convene meetings to consider proposed recommendations that pertain specifically to the *Topics of Consideration* list previously adopted. The Task Force Chair will oversee and run each meeting according to the procedures set forth below. Issues, comments, concerns, and draft recommendations related to the *Topics of Consideration* under discussion, which have been raised and recorded after the eight research presentations, will be revisited by the Task Force and the public. New comments, concerns, and recommendations may also be raised and recorded.
- b. Task Force members speak first and when they have no further comments, members of the public will be asked for their comments. The Task Force Chair is responsible for ensuring comments remain concise and that they relate to the *Topics of Consideration* under specific discussion.
- c. Upon conclusion of the comment and discussion period in each meeting, the Task Force will propose recommendations formally in accordance with the procedures set forth in Paragraph 2 below.

2. Formal Actions on Recommendations

- a. All recommendations must be proposed by a voting Member of the Task Force and must be clearly stated and recorded.
- b. The Task Force Chair restates each recommendation made and asks the Task Force for final concerns and questions relating to each recommendation.
- c. The Task Force Chair calls for consensus on each recommendation made.
- d. The Task Force formally adopts recommendations that achieve consensus, subject only to modification at the final meeting as set forth in Paragraph 3 below.
- e. If any recommendation fails to achieve consensus, the Task Force may continue to consider that recommendation and may again seek consensus after further discussion, may defer action on the recommendation until a future meeting, or may decide to abandon the effort to obtain consensus on that particular recommendation. (Note: Task Force Ground Rules: Participants who disagree with a proposal are responsible for offering a constructive alternative that seeks to accommodate the interests of all other participants.)

3. Adoption of Final Set of Recommendations

- a. At its final meeting, the Task Force anticipates that it will adopt for transmittal to the Governor a complete set of recommendations based on the individual recommendations adopted by consensus pursuant to Paragraph 2 above.
- b. At its last meeting, Task Force Members may not propose new recommendations but may propose modifications, amendments, or deletion of any of the previously adopted recommendations for any reason, including but not limited to:
 - i. To address concerns expressed by a Task Force Member's constituency about the original recommendation;
 - ii. To eliminate potential conflicts between recommendations;
 - iii. To delete redundant or duplicative recommendations;
 - iv. To integrate scientific studies and data more efficiently into the recommendations;
 - v. To correct clerical, typographic, transcription, grammatical or rhetorical errors.
- c. The final set of recommendations must be approved by the Task Force by consensus.

FOOTNOTE

Possible Outcomes for Proposed Recommendations

1. Adoption of Recommendation—the full Task Force formally adopts the recommendation and details will be outlined in a final report to the Governor.

2. Stand Aside—the Task Force member is willing to stand aside; the member acknowledges that their concern with the recommendation still exists, but they are willing to allow the recommendation to be adopted. The recommendation and details will be outlined in a final report to the Governor.

1. Declare Block—the Task Force Chair declares that consensus cannot be reached on that recommendation and the group will simply move on.